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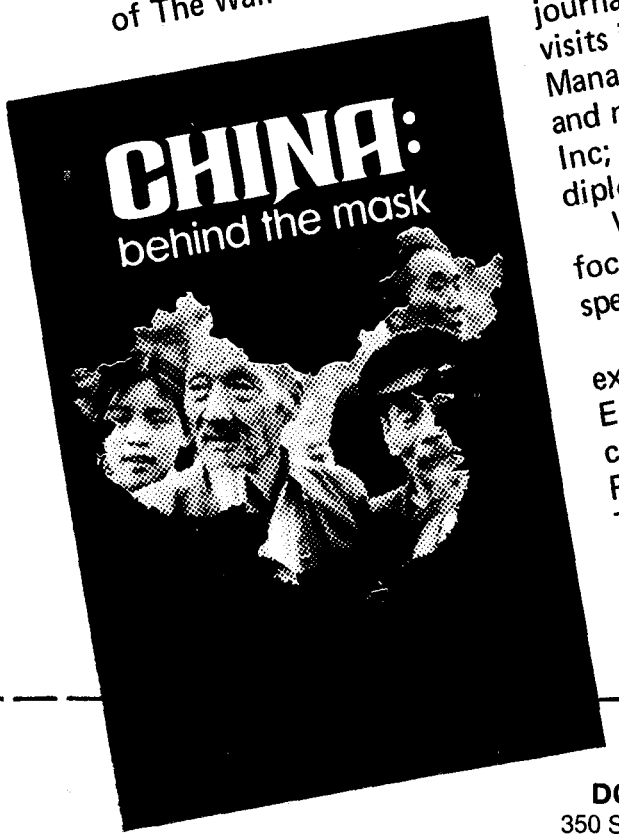

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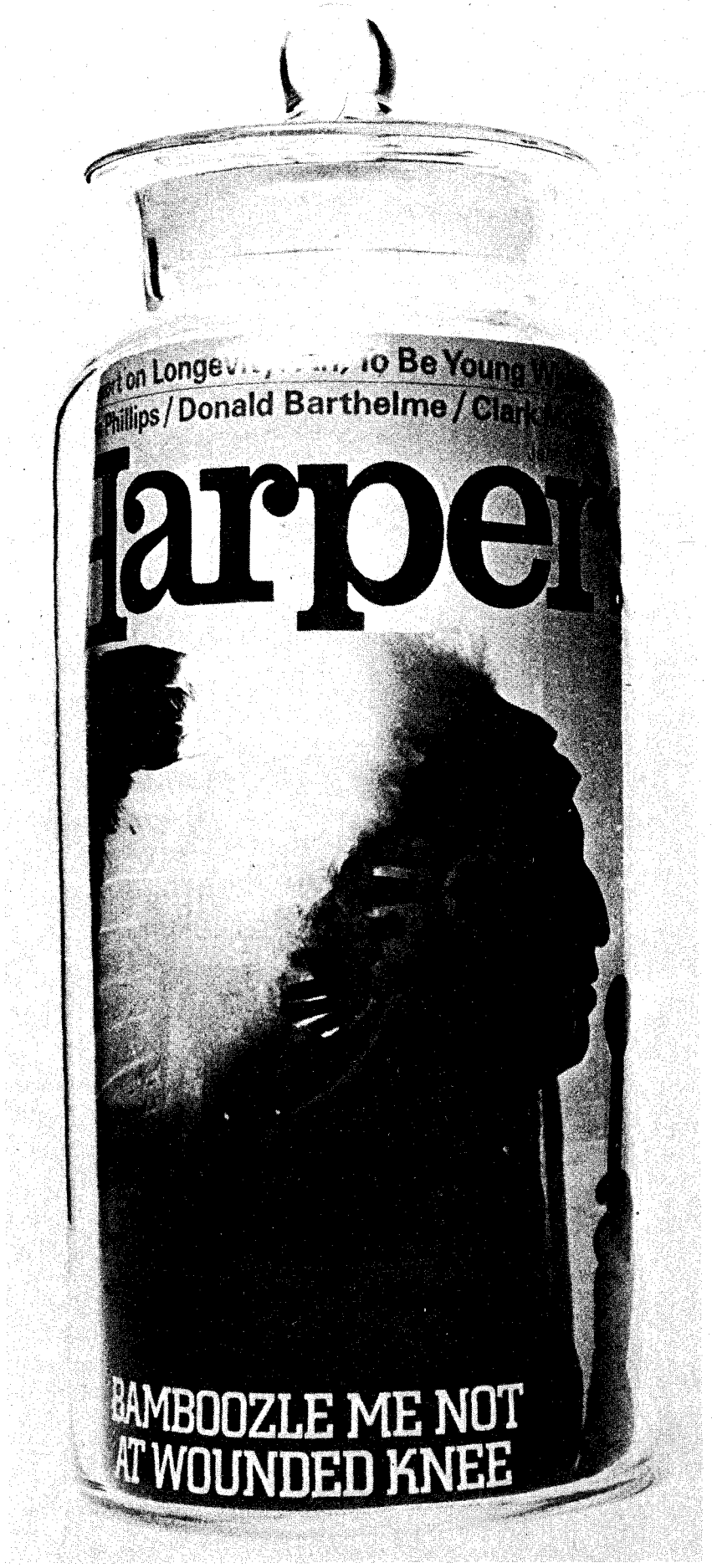

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TRB

from South Lee, NH
September 1, 1973

Model T Memories

My grandfather is the last one to the right on the top row, looking benevolent in full beard. He was president of the Newmarket (NH) bank, 1900-1907, where photographs of past presidents are displayed. They look respectable enough though the display faintly resembles a police lineup.

He used to drive over to Portsmouth with dressed chickens at Thanksgiving (a half day's journey); and some nights he would sign the bank's $5 bills, which required the president's signature, on the red gingham cloth of the kitchen table while Grammie pumped water and did dishes and threw out scraps to chickens. They lived in the story-and-a-half, green and white, picturebook farm house which is first on the left after the South Lee depot. Susie was the second of eight children and told me about it. Bank presidents, she said, were different in those days.

I have been on a sentimental journey. It began badly. I spent vacation toting a heavy radio from living room to front porch listening in shock to Haldeman and Ehrlichman when I ought to have been swimming. Why does a Washington reporter take a vacation, anyway? But I got back finally from New York state (John DeBiase, managing editor of the lively *Oneonta Star*, told me the heavily Republican farm readers ask wonderingly why the President doesn't release the tapes, while the college people are 100 percent opposed), back to South Lee, NH, where the Langs lived.

There is a family graveyard over in one corner of the old Lang farm and the Langs are there, father and son, back to the lichened stone with the DAR Revolutionary War flag. You can trace out who married whom and wonder about them. Susie told me a lot about them. George and she are buried there, and after 98 years she is looking out across the pasture to the house where she was born.

Coming back to South Lee my car purred casually up the breathtaking Mohawk Trail, but one time I traveled the route the other way in a Model T. Susie and George and my brother were along and I pretended I knew what I was doing but all the time wondering if the oil would reach the vulnerable No. 1 bearing in front which missed lubrication on hills under what was cozily described as the "splash system."

I got to thinking about it, oddly enough, as I stopped at the final Howard Johnson rest area on the New Jersey Turnpike ("Food, Gas, Service") after buzzing along at 70 on the eight-lane divided highway ("Minimum speed: 40 miles").

I ate my hot dog on a mound above where the interstate highway trucks park. If they pass you on the road the shuddering suction shakes you. You imagine drivers are eight feet tall, with permanent snarls.

But here in jeans they look quite human. A monster trailer-truck inches in below me, but the alignment doesn't suit the driver, a perfectionist, who backs the huge trailer into the precise geometric angle and comes forward again as gracefully as a canoe. He gets out and kicks all 14 tires. The sign says "Broadway Poultry Farm—Concord, NH" and he is piled mountain high with empty chicken crates. I calculate 468 crates, and he says proudly there were 5600 chickens. Grandpa Lang going to Portsmouth behind Old Zeno wouldn't have believed it.

Between Two Worlds

The Model T, I guess, was halfway in between the two worlds. It all came back as I sat there, listened to the roar of the turnpike traffic that I would shortly rejoin.

You learned to drive a Model T mostly by yourself though the dealer kindly drove you home the first time. There it was in the yard, seven feet tall with the top up, black and spanking new and costing $350, and as innocent of equipment as a newborn baby.

It had no temperature gauge, no oil gauge, no fuel gauge, no speedometer, no shock absorbers, no rearview mirror, no heater, no wheel rims, no windshield wiper. Did I say self-starter? It had none. In short, folks, it was a beauty. There were millions on the road and each one had a private personality. Ours we called "Southard" after an amiable family connection. It got a fresh coat of black enamel every spring and the engine block was removed to scrape out the carbon. Every owner knew how to do that. As to what really made it run, nobody, I think, ever figured it out. There was a thing called a coil box under the dash which you could take out and shake if the timing was wrong; or you could drop a camphor ball into the gasoline tank. Some people thought that was a good idea. It was the only car ever conceived that could go from forward into reverse with no apparent mechanical hardship.

There we were, starting across New England in that never-never land of long ago, the four of us perched high, with top down, the extensible rack on the left running-board holding baggage planned for months. We flew blind, with no road maps, no route numbers (save occasional lettered blazes on telephone poles) and no fuel estimate save dumb reckoning.

Yes, I remember; we drove up to the filling station where the owner sold three or four competitive brands and advertised "Free Air." We lifted the front seat and unscrewed the cap of the tank and inserted the wooden dip stick that looked like a yard ruler. (Stores gave them away free.) The wetness told you the fuel supply.

My family watched admiringly as I casually gave the crank a couple of half turns, pulling out the looped end of the choke wire to prime it. Then I went back to the dash to switch on the ignition. Back again in front, this time giving the crank a real whirl; the engine exploded and the car pulsated at the thought of the waiting road.

Watch out for streetcar tracks that trap the 30x3½ tires! Watch out for glass that requires the tire patching kit! Watch out for night signs to Albany where you must race the engine for light to read them.

Dear me, I must have dropped off! The big chicken truck from Concord is moving out. He is waving. Off again into the zooming traffic. Off again to Washington, to San Clemente, to Watergate.

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Zero Defect White House

H. R. Haldeman was being asked by the Ervin committee about his reputation as a tough boss in the White House when he revealed the principle that guided his staff, or "team" as it called itself, when he was the coach. Using that peculiar language that comes naturally to the Nixon men, Haldeman said, "We did throughout the White House operation operate on what is known in some views as a zero defect system. We attempted to do everything right." It's strange that people who wanted so badly to do right went so wrong. There were many flaws in the zero defect White House, and until Watergate, the best documented of these was the International Telephone and Telegraph scandal. The public first heard of it from a memo written by lobbyist Dita Beard that slipped through corporate security and fell into the hands of columnist Jack Anderson. Perhaps those inside the White House like Haldeman didn't see the ITT controversy as a defect but as an example of the press' meddling in private family affairs. To those on the outside, however, the ITT settlement was an excellent case of maximum defect behavior. Now it is being discussed again because another important memo has been leaked, implicating former Attorney General John Mitchell more deeply than before and involving the White House in a cover-up.

The new memo was disclosed during the first week of August when Haldeman was testifying before the Watergate committee. Written in March 1972 by former special aide to the President, Charles Colson, the memo was intended to provide Haldeman with a summary of documents in the administration's files that would be embarrassing if made public. At the time the memo was written, the Senate Judiciary Committee was about a month into hearings on Richard Kleindienst's fitness to be attorney general. His involvement in the ITT case was being questioned. Colson's note was very direct. Besides pointing out the contradictions between official testimony and what was in the files and hinting that the President's name could be drawn into the scandal, it described Colson's own efforts to keep the information secret. This is what he wrote: "There is the possibility of serious additional exposure by the continuation of this controversy . . ." He then listed some "embarrassing" memos and described the most potent among them: "There is another memo of September 1970 from Ehrlichman to the A.G. [then Attorney General John Mitchell]

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referring to an 'understanding' with Geneen [Harold Geneen, president of ITT] and complaining of McLaren's actions [Richard McLaren, the Justice Department lawyer prosecuting ITT]. There is a May 5, 1971 memo from Ehrlichman to the A.G. alluding to discussions between the President and the A.G. as to the 'agreed upon ends' in the resolution of the ITT case and asking the A.G. whether Ehrlichman would work directly with McLaren or through Mitchell. There is also a memo to the President in the same time period. . . . This memo would once again contradict Mitchell's testimony and more importantly directly involve the President."

Why did the senators investigating ITT never hear of the "understanding" between the White House, the attorney general and the president of ITT? Why did Ehrlichman's name never come up, nor the fact that he reminded the attorney general that the President had talked with him about the "agreed upon ends" in settling the ITT suit? And how could the former attorney general and the president of ITT repeatedly deny facts cited in Colson's note—that there was a "$400,000 arrangement with ITT," that Mitchell was told about it and that the White House knew about it four weeks before the government dropped its antitrust suit against ITT?

Colson's memo gives some answers to these questions. Several times he refers to his efforts to track down and get "control" of memos that would cause trouble. His first decision was to set up a system of "deniability," as we have learned to call it, to keep the chief witnesses ignorant of what had happened beneath and above them in the administration hierarchy. Colson didn't allow them to review memos on the ITT case which they had probably seen before so that if asked they could truthfully say they had forgotten them. Colson told Haldeman: "Neither Kleindienst, Mitchell nor Mardian [Robert Mardian, assistant attorney general] know of the potential dangers. I have deliberately not told Kleindienst or Mitchell since both may be recalled as witnesses. . . . Only Fred Fielding [White House deputy counsel], myself and Ehrlichman have fully examined all the documents and/or information that could yet come out." Colson seems to have been assigned to collect copies of hot documents and keep them out of sight. Mentioning the most troublesome of several ITT memos held by the Securities and Exchange Commission, he wrote, "We believe that all copies of this have been destroyed." (In this case he was wrong.) Of an internal White House memo from former communications director Herbert Klein to Haldeman, he said, "We don't know whether we have recovered all the copies. . . . In short, despite a search this memo could be lying around anything at 1701 [Pennsylvania Avenue, the reelection headquarters]." Finally he mentioned a memo to Nixon about ITT: "We know we have control of all the copies of this, but we don't have control of the original Ehrlichman memo to the A.G."

While Colson was doing his part at the White House to keep the truth from leaking out, the SEC was trying to keep the lid on a set of ITT memos it had subpoenaed for an investigation of ITT stock sales. Colson mentioned these in his note, saying they would "undermine" and "contradict" government witnesses like Solicitor General Erwin Griswold and former Attorney General John Mitchell. The story of these memos is interesting, because it shows how a supposedly independent commission helped the administration wriggle out of its political problems.

Although the Senate committee asked ITT to turn over "all memoranda and reports reflecting ITT lobbying activities in 1969, 1970 and 1971 relating to the ITT cases or antitrust policy," it did not receive the embarrassing letters that Colson described in his memo. ITT gave these papers instead to the SEC and pretended not to have any to give the Senate. (In truth however it still had some copies itself, which were released by chance during an investigation this year of ITT's meddling in Chilean politics.) When Sen. Kennedy tried to get these papers from the SEC, the chairman at that time, William Casey, said he wouldn't give them up. Several months later, the House committee that oversees the SEC tried to get the memos and was also rebuffed. The chairman of that committee, Rep. Harley Staggers (D, W.Va.), got angry and demanded to see the documents. Realizing that he could not resist the pressure forever, SEC Chairman Casey called John Dean at the White House to find out what he could do. After talking with Dean Casey convened the SEC and in a 10-minute session obtained permission to have the documents sent to the Justice Department. The Justice Department insists that it did not initiate this transfer. However once the files had been delivered, the department made them part of an "official investigation" and thereby sealed them off from congressional review. For similar reasons the department refused to give the Senate files on the ITT antitrust settlement and other confidential papers. One year later we now learn that these papers, being withheld from the public for a confidential investigation of Mitchell, Kleindienst and the White House, were at the same time being reviewed and analyzed by the very people under suspicion: Mitchell, Kleindienst, Dean, Colson, Ehrlichman and Haldeman.

Was secrecy necessary? Apparently Colson thought

COMING: exit Rogers
enter Kissinger—a report
by John Osborne

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so for he told Haldeman in his note that the information in the memos was so damaging that he would rather see Kleindienst's nomination withdrawn than have it made public. He said that June 1, 1972 was his suggested deadline for dumping Kleindienst if the hearings could not be stopped. Fortunately for Kleindienst and the White House, the inquiry ended sooner than anticipated, on April 27. The credit for this should go to Sen. James Eastland (D, Miss.), the committee chairman, who through two months of hearings resisted pressure from Sen. Kennedy and other Democrats to dig deeper into the history of the ITT settlement. No doubt it was in recognition of this that Nixon's campaign staff decided not to give any help to Eastland's Republican opponent during the Mississippi Senate race last fall.

When ITT was in the news the White House seems to have grasped fairly quickly the potential harm that could be done by turning the ITT papers over to the Senate. Someone in the White House decided that these memos had to be kept out of circulation, and Colson was given the job. Colson's memo itself is an example of the thoroughness and care for detail that one would expect to find in the zero defect White House under Haldeman. How was it that only seven weeks after the Kleindienst hearings closed, on the day of the Watergate break-in, the White House self-protection system was struck with sudden paralysis? If one believes what Haldeman and Ehrlichman have said, no one in the White House ever prepared or received a detailed report on the Watergate break-in until this April, nor did anyone have orders to hide information. That means the people in the White House spontaneously decided not to find out anything and not to read the papers when Watergate stories appeared. How else could they have avoided the suspicion that some of their fellow staffers might have been involved in the bugging and burglary of Democratic headquarters? According to the Haldeman-Ehrlichman thesis, the White House considered Watergate a nonsubject, far less potent than ITT, hardly worth thinking about. This is very hard to believe. It is even contradicted by the President's speech of April 30, in which he described his reaction to learning about the break-in: "I was appalled at this senseless, illegal action, and I was shocked to learn that employees of the reelection committee were apparently among those guilty. . . . As the investigation went forward, I repeatedly asked those conducting the investigation whether there was any reason to believe that members of my administration were in any way involved."

If the President was "shocked" when he heard about Watergate but never learned about the involvement of his subordinates, then he was utterly taken in by the cover-up, bamboozled by his staff. This is the explanation that Haldeman and Ehrlichman would have one accept. Haldeman maintained that the White House relied entirely on John Dean for its information on Watergate, and that it was Dean who singlehandedly misled the President into thinking that no White House people were involved. Ehrlichman said that the President asked for a detailed report on Watergate *eight times* between September 1972 and March 1973, but could not persuade his staff to give him one. This is the hardest part to swallow – that the President of the United States couldn't get a simple written report out of his staff. We are supposed to accept without quarrel the absurd contention that a President who had time to read a memo on the ITT case – even before it was called a scandal – didn't have time to find out about Watergate. If Dean wouldn't cooperate, why couldn't Colson, the able student of ITT memos, put something together? For that matter, an intern with scissors, paste and *The Washington Post* could have produced an informative report.

Perhaps there are more damning ITT and Watergate memos waiting to be leaked; but this time the President himself has taken responsibility for keeping them under "control." Archibald Cox announced in a news conference on July 27 that the White House had refused to turn over the "Fielding file" on ITT, the collection of papers mentioned in Colson's memo. Cox has also asked why other ITT memos were withheld from the criminal division of the Justice Department, which had been assigned to investigate the case for possible acts of perjury and obstruction of justice. The ITT file was turned over to Cox on August 21 but the President offered no explanation for why he held it so long.

Paranoia

The President probably made points for himself with his press conference at San Clemente on August 22. It was his first submission to questions since March 15 and since the Watergate issue heated up last spring. Although the press had been warned that the President might refuse to respond to Watergate questions, he answered 15 questions about or related to Watergate, and he made a show of doing it briskly and forthrightly. After an erratic appearance in New Orleans, enroute to San Clemente, that caused reporters to ask a White House spokesman whether the President was "taking any medication" and whether he and his doctors thought he was "capable of performing the duties of his office" (the answers, of course, were respectively "no" and "yes"), Mr. Nixon needed to display himself on national television in good form, in visible command of himself and his situation, and in this he succeeded on the 22nd.

Some of the answers, however, left us with that familiar and uneasy feeling about Richard Nixon. There

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was, for instance, his reference to the secret meeting that he and his departed assistant, John Ehrlichman, had with Judge Matthew Byrne of Los Angeles at the western White House when Judge Byrne was conducting the trial of Daniel Ellsberg and the President was looking for an FBI director to replace Patrick Gray. Because the Ellsberg trial wasn't discussed, Mr. Nixon saw nothing wrong with the meeting and with the suggestion to Judge Byrne that he might be offered the FBI directorship after the trial was over. Can the President, a lawyer, actually be that oblivious to such obvious impropriety? The answer, his answer, is that he can be and is.

Mr. Nixon distorted the thrust of a recent Supreme Court decision bearing upon the extent of his inherent powers. He gave a deceptive impression that his former assistant, H. R. Haldeman, had had less access to the Nixon White House tapes than he actually had. He suggested that his failure to ask people who could have told him about Watergate behavior when it was occurring last year was the fault of the people he didn't ask. But our favorite answer, favored because it tells so much about Mr. Nixon, occurred when he was asked whom he had in mind when he referred in his Watergate speech of August 15 to "those who would exploit Watergate" in order to impede and wreck his presidency. After remarking rather nastily that "where the shoe fits, people should wear it," he got to the nub of his thinking on the subject: ". . . What I am saying is this: people who do not accept the mandate of 1972, who do not want the strong America that I want to build, who do not want the foreign leadership that I want to give, who do not want to cut down the size of this government bureaucracy . . . people who do not want these things naturally would exploit any issue—if it weren't Watergate, anything else—in order to keep the President from doing his job . . . I think they would prefer that I fail."

It would appear that good-faith opposition and criticism have ceased to exist for Mr. Nixon. There's a word for the state of mind that he reveals. The word is paranoia.

A Tough Act to Follow

Members of the Ervin Select Senate Committee are thinking about what the committee ought to do when Congress returns after Labor Day. The members and their staffs are conscious of criticism prompted by the President that public hearings have dragged on past the point of usefulness. In fact it was in response to such criticism that the committee hurriedly and perfunctorily ran through its last three witnesses—former acting FBI Director L. Patrick Gray III, former Attorney General Richard Kleindienst and Assistant Attorney General Henry Petersen.

Is the criticism valid? That's what the members, back in their home states or on vacation elsewhere, are trying to determine. The opinion polls show enormous support for the committee, and the television ratings, much to the TV industry's surprise, indicate the hearings actually ran ahead of the soap operas when only one network was carrying the Ervin show and the other two continued regular programming. In short the committee's sessions reached an extraordinary number of viewers and made Watergate an unforgettable civics lesson for the country. That fact, however, doesn't answer the question of what to do now.

The first phase of the hearings was intended to make a record on the planning and execution of the break-ins and bugging of Democratic national headquarters as well as the cover-up that followed. That record is still not complete since former White House aide Charles Colson, for one, did not get a chance to testify. So Colson, and perhaps others, will be heard when the committee returns. Watergate conspirator E. Howard Hunt was on the original list, as was his lawyer William Bittman, but neither of them was called. Who the remaining witnesses will be depends in good part on what the committee decides to do with the record it has made. There had been some talk of an interim report—a sort of Senate white paper on Watergate, but chances are this wouldn't be a definitive history since the record is filled with contradictory testimony and the seven senators are bound to disagree about whom to believe. Perhaps the best course would be to wind up phase one (with Colson, Hunt and perhaps others testifying) and then delay any report until Archibald Cox's investigation is finished.

In the meantime the committee should turn to two other areas of interest—the espionage and sabotage campaigns waged against Democratic presidential candidates and the financing of both the Nixon and McGovern campaigns.

In these latter inquiries the public pressure may be diminished; the television cameras probably won't provide live coverage; and thus the inquiry can proceed at a slower and therefore more deliberate pace. That would be all to the good since the committee will want to consider legislative proposals to reform campaign practices and financing. The phase one hearings had scant legislative purpose.

The committee staff should make some adjustments in its presentation of information in public hearings. Majority counsel Samuel Dash and minority counsel Fred Thompson did not coordinate their opening lines of questioning during phase one. Also, in the resumed hearings, the committee should limit the scope of its inquiry, selecting particular abuses that illustrate the need either for better enforcement of existing laws or new legislation. Focusing discussion in this way might mute the criticism that the committee does not know where it is going.

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Though the Ervin committee has not "solved" the mysteries of Watergate, its hearings have educated the public in the ways of the Nixon administration and the dangers of any uncontrolled presidency. That achievement alone justified the undertaking.

Whose Right to Know?

During the 1968 presidential campaign Richard Nixon appealed to the voters with a "secret plan" to end the war. But what the President actually implemented, within days of his inauguration, was a secret plan to expand the war, carrying marine combat operations into Laos, extending the then-secret air war in Laos to include base camps and supply routes inside "neutral" Cambodia, and conducting frequent clandestine raids into both of those countries using special military and paramilitary units. The administration did not seek congressional approval for these activities and did not truthfully inform more than a half dozen legislators of the details. Instead while key congressional committees received falsified bombing reports and the American people received reassurances from the President that his war policy showed restraint and "scrupulous" respect for neutral nations, the administration spent an estimated $150 million for the strikes against Cambodia and $1.5 billion for the operations in Laos.

Since the first disclosures in July, the response from top present and former Defense officials has stressed the military "necessity" of the raids, which few legislators seem inclined to dispute. But Congress reacted coolly to the administration's rationale for the massive deception, namely that Prince Sihanouk—allegedly a collaborator in the air war—would have been forced to disown the bombing and call for its halt. Last week in New Orleans the President took the same approach in his first public address on the matter. His military justification contained the usual tough rhetoric about not "copping out" of our world responsibilities, not "bugging out" of Vietnam, and giving the enemy "one more incentive to move to the conference table." But to answer the accusations of deceit, he asserted that "The fact of the bombing was disclosed to appropriate government and congressional leaders . . . who had any right to know or need to know."

According to the testimony of Gen. Earle Wheeler and Adm. Thomas Moorer before the Senate Armed Services Committee, the only members of Congress provided accurate information were the late Sen. Richard Russell (D, Ga.), the late Sen. Everett Dirksen (R, Ill.), Sen. John Stennis (D, Miss.), the late Rep. L. Mendel Rivers (D, SC), Rep. Gerald Ford (R, Mich.), and Rep. Leslie Arends (R, Ill.). (Stennis, one of the three surviving members of this group, is not certain that the Pentagon specifically told him of the bombing and maintains that he was unaware of its scope.) For the President to suggest that six legislators—all enthusiastic supporters of the war—were the only ones with a "right to know" about the bombing serves to reinforce the impression that the secrecy and falsification were intended to protect President Nixon (rather than Prince Sihanouk) from unfavorable public opinion.

Within 24 hours of the President's speech Sihanouk strenuously denied having acquiesced in the secret bombing, insisting that he had repeatedly protested the strikes to the US embassy. It was his *un*cooperativeness and objections to the US intervention, contended Sihanouk, that led to the coup against him in March 1970. But no matter whose version one believes, it is not clear that the bombing would have had to stop had it been disclosed while Sihanouk remained in power. In March 1970, the regime of Souvanna Phouma survived the revelations of US air operations in Laos. Furthermore the need to protect Sihanouk does not explain the persistent refusal to tell the American people the truth after the prince had been overthrown.

That the President did not inform the public in 1969-1970 of the military necessity for the bombing suggests a remarkable lack of confidence in his own appraisal. Despite the campaign promises, the specter of "North Vietnamese invaders within Cambodia . . . killing Americans from this area" might have drawn sufficient public support for the bombing then. Although on May 9, 1969 a story describing several weeks of B-52 raids in Cambodia appeared on the front page of *The New York Times*, it produced little visible public response. Still, if the President had disclosed the war plan, he risked that the public would not have tolerated the escalation indefinitely, especially as it appeared that more American lives were being lost than saved. The Pentagon tallies show that monthly casualties *increased* during the first six months of the Cambodian bombing, in part reflecting the dead and missing from the secret missions.

Insurance Risk

With little public discussion of the alternatives, national energy policy has turned to nuclear fission as the principal future source of electricity. Though the 34 nuclear plants now in operation produce only 4.5 percent of the nation's electricity, 1000 plants—capable of supplying 50 percent of US electrical needs—are anticipated by the end of the century. Already 60 more reactors are under construction, and 84 are in the design stage.

Capitalizing on the current concern over possible energy shortages, the "atomic establishment"—made up of utility companies, nuclear equipment manufac-

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turers and the Atomic Energy Commission—has stressed the "urgency" underlying the proliferation of reactors. Production of electric power is expected to increase 85 percent by 1980 to keep pace with demand, and the atomic energy proponents insist that other fuel supplies will be inadequate (barring heavy reliance on either imported oil or grades of coal with excessively high sulfur content). Flatly dismissing such energy sources as solar power or nuclear fusion, one utility company president complained, "we can't wait for scientists to work their miracles . . . we need more electric power now."

Despite the well-advertised "comparative advantage" of nuclear reactors, the industry and the AEC have not welcomed open debate on the costs and risks of nuclear technology. Even physicists and academicians analyzing reactor safety have been unable to obtain straight answers from the AEC on errors, "narrow misses" and other unpleasant realities of reactor operating experience. Behind the bureaucratic uncooperativeness, concludes Professor Harold P. Green of the National Law Center, is the belief that the public, if fully informed of the risks, would "irrationally" oppose nuclear power plants.

Yet it can hardly inspire public confidence to learn that the AEC suppressed a 1965 study of reactor safety for eight years, releasing the information only last July under the threat of a court order. According to the AEC the 1965 research, undertaken to update a 1957 evaluation of nuclear accident risks, was withheld because it was never completed. But working papers accompanying the study contained unsettling estimates of fatalities and damages from a major accident: 45,000 deaths and $17 billion in property damage, compared to 3400 deaths and $7 billion damage calculated in 1957. Although AEC officials have emphasized that the likelihood of such an accident—which could be brought about by a pipe rupture in a reactor's main cooling system—is only about 1 in 10,000, the probability becomes far from negligible as the number of plants increases. With 1000 plants in operation, the odds are that there would be a major accident every 10 years.

Power plants have engineered safeguards to restore sufficient water to the reactor core in the event of a pipe break. But high internal temperatures require that an emergency cooling system (ECCS) work instantly to prevent a meltdown of the reactor core, an occurrence that would precipitate the release of radioactive gasses over hundreds of square miles. Edson Case, AEC deputy director of licensing, recently testified that no full-scale tests on the ECCS have been conducted. A year-long series of tests is scheduled for 1974, but the AEC does not intend to delay licensing of reactors while awaiting the results. Currently, Case acknowledged, the AEC relies on sophisticated computer predictions that the ECCS will work as designed.

Ralph Nader, who advocates a moratorium on nuclear reactor construction and a phase-out of existing plants until the safety questions are resolved, maintains that once the country suffers a major accident public protest will bring the industry to a halt. "To talk about stringent safeguards compared to other industries is irrelevant," he has argued; "we're talking about a system of energy production that has to be perfect."

In addition to the reactor accident risks, serious hazards are involved in current procedures for transporting and disposing of the radioactive wastes. A July 1973 GAO report on the transportation operations cited numerous cases of containers and vehicle interiors contaminated by the radioactive materials. Furthermore, sufficient protection against diversion or sabotage of the materials is essential, but one is hardly reassured by the several misshipments in recent years. The AEC had once hoped to permanently store high-level radioactive wastes—which remain toxic for thousands of years—in an abandoned salt mine in Kansas, but that proposal is no longer considered safe. At the Hanford storage facility in Washington, one-half million gallons of the 80 million deposited there have already seeped through the tank into the ground. Although AEC officials claim to have found a permanent, safe solution to the waste disposal problem, they concede the cost of the required technology remains prohibitive.

While safety experts in and out of the AEC disagree about the magnitude of nuclear power risks, the insurance industry for nearly 20 years has been curiously cautious. To encourage the development of the nuclear power industry, Congress enacted the Price-Anderson Act in 1957 directing the federal government to extend $560 million of liability insurance, supplementing available private coverage. Private insurance companies now provide only $95 million of this amount. Pennsylvania Insurance Commissioner Herbert Denenberg, who recently held hearings on the insurance risks posed by nuclear power plants, pointed out that insurance pools raise much larger sums to cover jet accidents ($225-250 million per plane). Thus it appears that the size of the perceived risk, rather than insufficient financial capacity, has limited the extent of the private companies' participation.

"If nuclear power is so safe," Denenberg asked, "why don't the utilities pick up the $465 million tab instead of the public?" Whether, in the absence of the government subsidy, the utilities would provide the protection themselves is not certain, but several utility company presidents testified that they could do without federal insurance if they were forced to. (There have been some suggestions that the nuclear equipment suppliers might less readily adjust to the loss of federal coverage than the utilities.)

If the AEC casualty estimates are accurate, $560 million of insurance could not adequately have dealt with

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the scope of nuclear catastrophe contemplated in 1957. Today, reactors are five times as powerful and are located much nearer to metropolitan areas than they were a decade ago. Early next year the Joint Committee on Atomic Energy will begin hearings on whether to renew the Price-Anderson Act. The appropriateness of the current level of insurance protection will undoubtedly be challenged, but Congress should also question why coverage must be publicly provided. And before the US becomes dependent upon the nuclear technology to satisfy demand for electricity, Congress and the public must be given precise, up-to-date safety estimates and reach some conclusions about the acceptability of the risks.

It's Just a Phase

The Role of Controls

We are now in the third year of Richard Nixon's economic controls program (it started August 11, 1971), with a freeze followed up by Phases Two and Three, a ceiling on red meat prices, another general price freeze and now, Phase Four. Along the way came two devaluations of the dollar. Have the controls worked?

A cheap answer is that no one, however expert, can tell. The controls were the first in peacetime; therefore there is no historical basis for comparison. Who can say that without controls we would today be in a worse fix than we are? Who can say that without controls we would not have the business boom, often forgotten amidst shortages of beef, wheat, soybeans, $1-a-pound fryers, $1-a-dozen eggs, $1.50-a-pound bacon? But from statistics we get a better answer: controls haven't dampened inflation; they may have made it worse. Controls haven't solved the dollar problem, and indeed the devaluations have brought on two significant ancillary results — an unprecedented overseas demand for cheapened American goods, especially farmstuffs, and as a result lower domestic supplies and increased domestic inflation.

From the start President Nixon and his advisers argued that controls were needed to stem the soaring rise in prices. Yet in the first six months of 1973, consumer prices rose at the annual rate of eight percent, retail food prices at the annual rate of 21.5 percent and wholesale prices at the annual rate of 22.3 percent. Indeed the recent rise in wholesale prices hasn't yet fully worked its way through the system. So in the months ahead — during Phase Four — we certainly can expect still higher prices for clothing, cars, homes and apartments, bread, tires and perhaps appliances. In the first two years of controls, consumer prices rose 8.4 percent, food prices 16.5 percent and wholesale prices 17.4 percent. In fact about the only kind of increase to decelerate has been wages: in 1971 contract gains won in major union bargaining were an average 8.8 percent. In 1972 the figure was down to 7.3 percent, and this year it may be a bit lower. Uncounted in these latter figures are wage gains won by unorganized workers. Here unconfirmable reports say many employers have been telling employees that the guidelines say 5.5 percent and that's all we can give you. In the last two years, by contrast, corporate profits have risen 46 percent.

Several economic lessons emerge: first, that controls work fairly well in times of moderate prosperity and perhaps recession. During Phase Two, which ran from November 1971 to January 1973, and which was administered during a time of only moderate prosperity, things went rather well. Consumer prices rose only 3.4 percent. But then Mr. Nixon switched to Phase Three, kept his stick in the closet and things began to get out of hand. Yet the recent experience of the meat ceilings and price freeze (especially on beef) shows that, unless controls are supported by a small army of government regulators, controls don't work in times of boom. The economists seemed to have been correct when they warned of black market and economic distortions. In freezing prices Mr. Nixon obviously acted against his own beliefs (at least the beliefs of his advisers). On May 15 the President told a press conference: "The difficulty with offering rigid price controls on meat prices and food prices is that it . . . would not stop the rise in prices. It might stop them momentarily, but as result of the discouraging [of] increased production, we would realize the consequences of greater pressure on prices later. . . It would discourage supply, it would lead to black market and we would eventually have to come to rigid price controls, wage controls and rationing." Exactly two weeks later Mr. Nixon froze red meat prices. In June he froze all prices.

Another lesson is that the measurement of controls is difficult because in government economics is rarely divorced from politics. When he announced his novel controls scheme two years ago Mr. Nixon stressed the need to curb spending. But in 1972, with the presidential campaign coming into sight, he reversed himself and primed the spending pump. His economists didn't approve but politics took precedent. Again the second price freeze was a political decision; Democrats on Capitol Hill were pounding away on the need for a freeze and so the President listened to his new adviser, Melvin R. Laird, instead of his economists — who by this time had even the support of John Connally, usually a far more political operator than economist.

Does all this mean that controls have no part of the American political and economic scene? No. What is needed is a steady and firm policy involving a permanent wage and price review board, acting from the White House and usually on a voluntary basis, and keeping an eye on major wage and price movements

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in the country and with authority to jawbone, publicize, castigate, approve and praise. What also might be desirable would be to give the President limited authority to raise and lower income taxes within prescribed limits and under congressional checkrein, and in this way offer a relatively speedy way to react to economic change. As for that wage and price review board, a free market advocate might argue that wages and prices in our economy react in line with supply and demand, falling when business goes slack and rising when business warms, so why the need for a review board? To such contention pose this question: Does anyone really think that if business slumps in 1974, as some economists foresee, that Detroit's automakers will lower prices or Pittsburgh's steelmakers trim the price of sheet and strip, that the price of clothing will tumble down and hamburger will cost 50 cents a pound? Or that the United Steelworkers Union will significantly soften its contract requests? In some areas the law of supply and demand does work but those areas seem to be phasing out as years go on.

Robert W. Dietsch

The Burger Court

On Corporate Crime

Persistently the Nixon Supreme Court has narrowed constitutional safeguards to ease the task of prosecuting street criminals. Early this summer the Court displayed an absence of comparable zeal about cracking down on corporate crime. By a vote of 8-1, the justices upheld a lower court's decision to dismiss a multimillion-dollar action brought by the state of California against a phalanx of food manufacturers. California alleged that the corporations had conspired to fix prices and had thereby taken millions of dollars in overcharges from its citizenry.

In bringing the suit California's attorney general had followed the lead of several other ingenious state and city legal officials. They had put to dramatic new uses an encrusted legal doctrine called *parens patriae*. Under this concept—the literal translation of which is "father of the nation"—the English crown was empowered during the early years of the common law to appear in court as "general guardian" of charitable trusts and of "infants, idiots and lunatics." If this antique rule could be broadened, it could authorize states to act as "general guardian" for consumers. Though not idiots or lunatics, ordinary citizens are helpless to redress large-scale price fixing conspiracies such as that alleged in California's suit or in the granddaddy of the new *parens patriae* cases, the 1969 settlement whereby four major drug manufacturers sued for fixing the price of tetracycline agreed to pay $82 million to 43 of the 50 states and New York City.

When the *Tetracycline* settlement was signed, it seemed to signal a new era in consumer protection. Though the antitrust laws had been on the books for 80 years and the New Deal's reforms had stood for over 30 years, no sanction remotely as effective as $82 million in damages had ever been devised to give corporations second thoughts about playing fast and loose with consumers' legal rights. Now by throwing California out of court and by rebuffing a similar effort by Hawaii one year ago, the Supreme Court seems to have sent up a new signal—that hopes for a new era may have been greatly exaggerated.

To be sure the Court earnestly maintained that its rejection of *parens patriae* would not deprive consumers of all chances for mass relief against corporate malfeasance. The Court said that consumers could still be represented in "class actions"—a technically different (and more widely known) legal device which, when successful, also produces massive recoveries. The Court said that the class action was the preferable of the two devices, because it incorporates certain procedural safeguards absent from the *parens patriae* type of suit—a guarantee that individual members of the plaintiff class can "opt out" of a settlement not to their liking and sue on their own, and a corresponding guarantee to defendants that they would never have to satisfy the same person's claim twice. It would be unjust, the Court pointed out, to confront a corporate management with the spectre of huge duplicative recoveries for a single offense.

But this is Catch-22 logic. The individual claims aggregated to form multimillion-dollar collective suits by California and Hawaii were minuscule. Not only would they never justify an individual's bringing a suit—they would not even justify a class action. In a class action individual members of the class must be notified of the action and, in most instances, individual damages must ultimately be returned to each victim. Though cheaper than a myriad of single lawsuits, these mechanisms are still more expensive than the amount of damages sustained in California's suit. In fact for that very reason the trial court in that case had forbidden California to maintain the suit as a class action, insisting that only a *parens patriae* suit—in which court-supervised individual notice and distribution of damages would not be necessary—was feasible.

Hence in the Hawaii and California suits the Supreme Court's professed anxiety about exposing corporate defendants to the spectre of double recovery was quite fantastic. To assuage its fear that this threat might arise in some future case, the Court need not have seized a blunderbuss approach to destroy the doctrine altogether. All it needed was a limiting rule, to hold that *parens patriae* could be used only where class actions were economically infeasible—and hence where no defendants would run any meaningful risk

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of getting sued twice for the same crime.

The Court was equally cavalier in assuring that consumers would not suffer if state governments were put out of the business of consumer advocacy. The Court's argument was that attorney's fees in anti-trust class actions are high enough to guarantee that there will be "no scarcity of members of the Bar to aid prospective plaintiffs in bringing these suits." But in fact a private law firm can only fight the rare class suit where ultimate victory is certain or nearly so. The costs of prosecuting one of these cases run into the millions of dollars. And they run on for years. To be sure, there may be a pot of gold at the end of the rainbow, but only an exceptionally well-heeled group of private lawyers or plaintiffs can hold on long enough to find out. And even the well-heeled and adventurous will shun cases where there is any significant risk that the pot of gold will not be there at the end.

In contrast state attorneys general seek public favor rather than profit. They have an incentive to prosecute big cases that private lawyers would not touch. Perhaps more important, political pressure obliges them to do right by their constituents when settlement negotiations begin. They will not be tempted to make a "sweetheart" settlement that pays the lawyers high fees but gives token benefits to the class in whose name the suit was brought. Hence state government agencies should have a vital part in building a new decentralized legal infrastructure to combat corporate crime, to supplement the Washington regulatory agencies that are unable or unwilling to do the job.

Before the Supreme Court, 38 state attorneys appeared as *amici curiae*, in effect telling the justices that they wished to take on this protective role. The Court's rejection of their bid not only damaged the cause of consumer protection; it crushed a development that was breathing new life into the structure of federalism. Already, indeed, on June 4, 1973 the Ninth Circuit Court of Appeals cited the *California* and *Hawaii* cases as a basis for dismissing treble damage actions by numerous state and city governments against the auto industry for conspiring to retard the development of anti-pollution technology.

But the most unnerving aspect of these decisions is the possibility that the Court may eviscerate the class action as well as its more exotic *parens patriae* cousin. Perhaps some justices take seriously Chief Justice Burger's pronouncements that the federal courts are too busy to handle large consumer and environmental cases—as if drying up the Manhattan heroin market can be a national problem while curbing multinational oligopolies is a purely local matter unworthy of attention from federal judges.

In all events if the Court wants to emasculate the consumer class action, it will have its chance quite soon. On July 30 lawyers petitioned for Supreme Court review of a decision by the Second Circuit Court of Appeals in New York that wiped out a spate of procedural innovations that progressive trial courts had developed in the past five years. If this ruling is sustained the class action could become a legal curiosity rather than a vital consumer remedy.

The Second Circuit's tactic in that decision was perverse. It insisted that class actions should be thrown out unless it would be feasible to assure that every individual victim could be notified and compensated for his financial injury. Given the exorbitant costs of complete notification and damage distribution, this goal will often be unattainable; class actions will rarely be permissible and hence the range of situations will widen in which profit-maximizing corporate planners can break the law without fear of losing their illegal profits.

Some trial courts have worked to overcome this problem. They have recognized that compensating individual victims is the least important value of the mass relief lawsuit, as well as the one that carries the most burdensome difficulties and costs. By downplaying this objective, they have been able to let class actions flourish in a broader range of cases. For example the Supreme Court of California permitted a class action against taxicab companies guilty of overcharging their customers. Instead of requiring an absurd search for each gypped rider and an accounting of individual damages, the Court ordered a temporary drastic rate reduction *below* the proper legal standard. Fares were not allowed to go back up to the legal rate until the unlawful profits were dissipated. Hence future taxi-riders would technically be the beneficiaries of the lawsuit.

However all consumers—the public at large—benefit from solutions like the California taxicab judgment. For such settlements preserve the two major values of the mass relief lawsuit—their encouragement to lawyers to act as private attorneys general and, second, their capacity to deter corporate offenses before they are committed.

We must hope that the Supreme Court is not bent on ruling out these inventive procedures, and thus depriving society of the great benefits of mass relief lawsuits. The courts are better suited than Congress for gradual delineation of those cases where class actions are appropriate—as long as the bench does not display the miserly spirit that drove the Supreme Court to inter *parens patriae*. Business pressure has generally kept Congress from clearing class action legislation, and under an administration where consumer policy is dominated by Procter & Gamble lobbyist Bryce Harlow, class action advocates on the Hill are not likely to get much help from the White House.

Simon Lazarus

MR. LAZARUS *is a lawyer and writer whose first book,* The Genteel Populists, *will be published by Holt, Rinehart & Winston in January 1974.*

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The Nixon Watch

A Closing Trap

Mr. Nixon said that the written statement that supplemented his televised Watergate speech on August 15 was intended "to cover the principal issues relating to my own conduct which have been raised since my statement of May 22 and thereby to place the testimony on those issues in perspective." One of the President's many difficulties with both the speech and the statement, a difficulty that contributed materially to the impression that he continued to evade the issues and conceal the truth because the truth would ruin him, was that very few really new and substantial questions about his conduct had been raised since he began on April 30 to assert the claim of innocence and ignorance that he elaborated in May and repeated in mid-August. Given so little that was new to address himself to, Mr. Nixon had very little that was new to say for himself in his third plea in four months for belief that he simply didn't know what all of those associates and assistants of his were doing to get him reelected in 1972 and therefore could not have been a party to their misdeeds. The consequent sense of futile and empty repetition of stale denials, and of equally stale attempts to take responsibility without taking blame, had much to do with the patent weakness of the Nixon performance.

It is true that the 35 witnesses and two million words of testimony and interrogation heard by Senator Sam Ervin's Watergate investigating committee before it recessed in early August added immensely to the weight of evidence and suggestion that Mr. Nixon's White House establishment and the President himself were involved in what he called, in his August 15 speech, "a whole series of acts that either represent or appear to represent an abuse of trust." It is also true, though commonly overlooked, that the President in his April and May disquisitions anticipated and dealt in some degree and fashion with all of the major questions about Watergate conduct that were raised and explored during the first phase of the Ervin hearings. He discussed and denied prior knowledge of the Watergate burglary and bugging that started it all; awareness of and participation in the prolonged effort to conceal high-level involvement in the original idiocy; any knowledge and offer on his authority of presidential clemency and hush money for the convicted Watergate defendants; prior knowledge or authorization of the felonious attempt to steal Daniel Ellsberg's psychiatric records; and any part in "illegal or improper campaign tactics." His argument that considerations of national security required and excused wiretapping and other forms of surveillance and repression, some of it still not disclosed and explained, was set forth in May and merely renewed in August.

Apart from national security, an aspect of the Watergate pattern and debate that the President largely dragged in and magnified for defensive purposes, the credibility of his assertions and positions rested upon the validity of his claim that in 1972 he departed for the first and only time in his 27 years in politics from his habit of running his own election campaigns and "to the maximum extent possible . . . sought to delegate campaign operations, to remove the day-to-day campaign operations from the President's office and from the White House." Only if it were true that he actually did this, not merely "to the maximum extent possible" but completely and inclusively, was it possible to believe that he could have been as ignorant of what was done by his lieutenants in his behalf as he had to say he was if he was to sustain his argument that he had to be innocent of the offenses committed because he didn't know they were being committed. The members and staff of the Ervin committee never seemed to grasp the central importance of this factor in the Nixon position. There were peripheral questions about it but never during the first phase of the hearings was there a considered and adequate effort to determine whether the President in fact left the management of his 1972 campaign so completely to others that he truly didn't know what those others including some of his principal White House assistants and Cabinet associates were doing for him in his name. One of the things they were doing for him was covering up the degree of White House and Reelection Committee involvement in the Watergate burglary. As former attorney general and campaign director John N. Mitchell testified, that exercise in concealment was deemed until election day to be a vital campaign exercise. When Mr. Nixon said on August 15 that "I was convinced there was no cover-up because I was convinced that no one had anything to cover up," he asked the country to believe that he knew nothing whatever about an endeavor that such intimates and senior campaign strategists as Mitchell thought essential for his reelection by the huge majority that he constantly enjoined his agents to accomplish for him.

White House accounts of the preparation of the August 15 speech and statement suggest that the President and his principal advisers got to a point where they didn't much care whether his assertions of innocence bedded in ignorance were believed or not. A consensus developed to the effect that nothing the President could say was likely to change many opinions about him and his guilt or innocence. What he might succeed in doing, he and his advisers concluded, was to discredit the Watergate issue itself and the national preoccupation with it. In a speech that in sheer meanness of intent and spirit sets a high mark even for Mr. Nixon, that is precisely what he set out to do. First we were told that the Ervin investigation degenerated from an honest "effort to discover the

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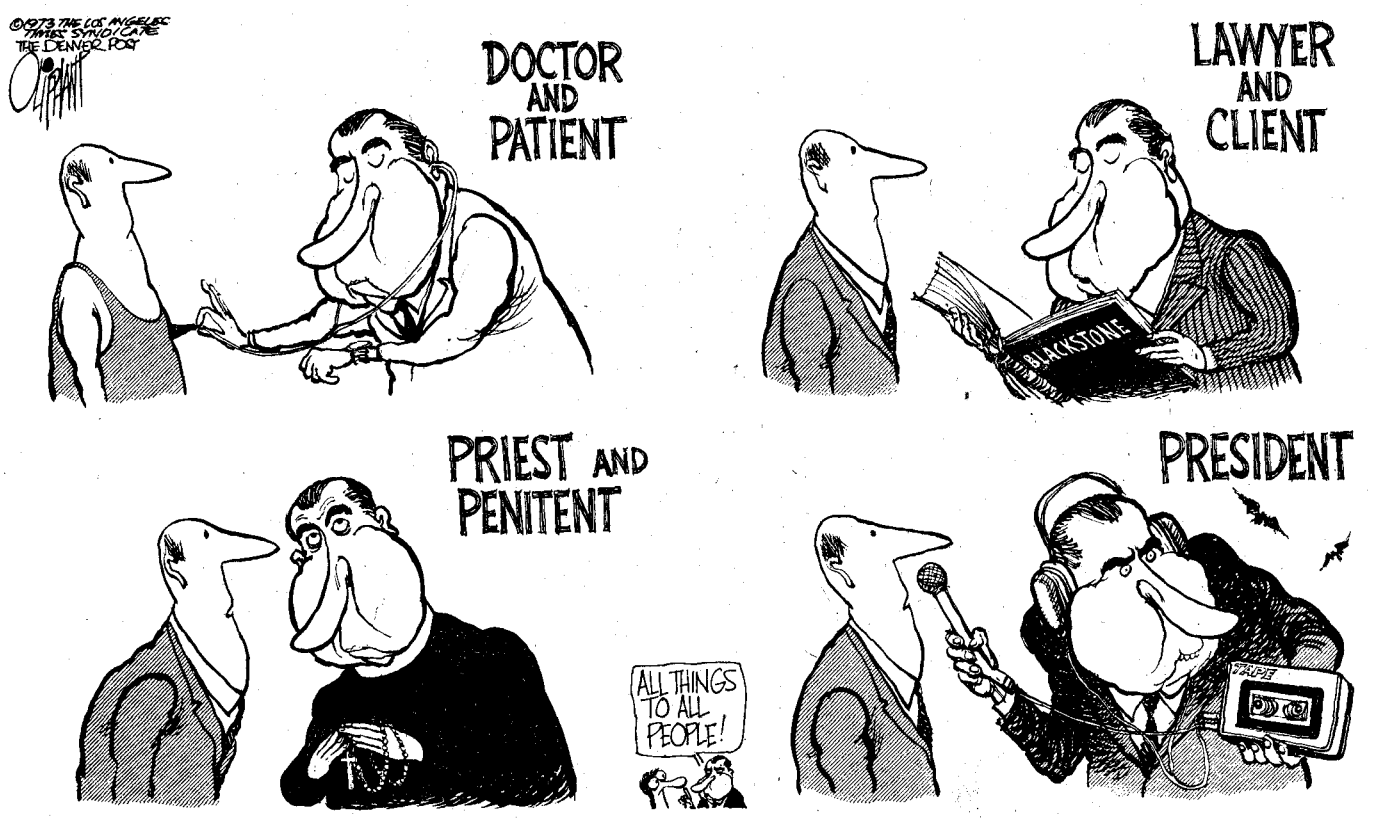
facts" to a malicious "effort to implicate the President personally." A "backward-looking obsession with Watergate" was "causing this nation to neglect matters of far greater importance." Major domestic legislation, important foreign policy and national security negotiations, and his ability to carry out "the mandate you gave this administration" with his reelection last year were endangered or likely to be. Therefore, the President argued, "the time has come to turn Watergate over to the courts," which was an indirect way of saying that the Ervin investigation should be terminated before it gets into such Watergate areas as the details of 1972 campaign skulduggery and the grubby solicitation and use of Nixon campaign funds. The suggestion throughout that he was the victim and target of malevolent foes rather than of a corrective search for truth, was capped with the President's call for "help to insure that those who would exploit Watergate in order to keep us from doing what we were elected to do will not succeed." It was a preposterous ploy, it was shrewdly conceived and skillfully stated, and it won't work.

It won't work because the President is in too much trouble for this or any similar ploy to halt the process of discovery and disclosure that Watergate has set in train. A measure of the extent and severity of the trouble he's in is the issue of the Nixon tapes. I leave to the contending lawyers and the judges who will decide the matter the question whether the President is constitutionally right or wrong in his view that he has an absolute power to withhold these recordings from the Ervin committee and from Special Prosecutor Archibald Cox. Two lesser points are relevant here. One of them is that a compromise solution could have been worked out with the committee and with Cox, entailing private review of the demanded tapes by a judge or by some other impartial umpire and the limited release to the committee and to the prosecutor only of the portions bearing upon the contradictions in Watergate testimony that the recordings might (or might not) resolve. Mr. Nixon rejected the compromise and deliberately sought the total confrontation now in process and on its way to the Supreme Court. The second point, supported by the President's statement that portions of the tapes at issue verify his version, is that any reasonable person must conclude from his refusal to give up the demanded tapes that he is afraid to do so. His argument that surrender of the tapes would irreparably impair his and all future presidencies by destroying the confidentiality of the White House is hogwash. That confidentiality is invaded all the time, by voluntary and involuntary disclosure, and the presidencies survive it. The conclusion has to be that the Nixon tapes give the lie to parts of the Nixon Watergate story.

A starker measure of the trouble the President is in is the trouble that he and Vice President Agnew are in together. The President is said at the White House to have known since last spring and possibly since February, that a Republican prosecutor's investigation of Maryland contractors' payoffs to politicians in Baltimore county, where Agnew got his political start as county executive, was going to involve some of Agnew's friends and associates and tar the Vice Presi-



A matter of confidence

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dent by association. The President learned only when Agnew did, on August 1, that the Vice President himself was under investigation and could be a candidate for criminal indictment. Attorney General Richardson, who had reviewed the facts and allegations accumulated by the Baltimore prosecutor and had approved a letter notifying Agnew, through one of his lawyers, that he was under investigation, gave Mr. Nixon a detailed account of the case against Agnew on the morning of August 6 and gave the Vice President the same information that afternoon. The President and the Vice President discussed the situation for an hour and 45 minutes on August 7. Agnew had a press conference on August 8, said having it was his idea, and discernibly relished the comparison of his behavior with that of the President who hadn't had a press conference and exposed himself to questions about his Watergate problems since March 15.

A strange situation developed. Agnew associates said the President was furious with his Vice President and that their August 7 discussion was an angry encounter. Nixon associates said the President was deeply concerned and made his concern known to Agnew, but wasn't angry with the Vice President. Mr. Nixon had a witness at the meeting, Agnew didn't. The President's witness was General Alexander Haig, White House staff chief who replaced H. R. Haldeman last May. The White House spokesman wouldn't have been saying that the Nixon-Agnew meeting was a serious angry discussion of a serious matter if that was not General Haig's story. Agnew people noted with bitter resentment, and the Vice President complained in public, that anonymous news sources at the Department of Justice encouraged the reports to the effect that the Vice President was in very deep trouble and in grave danger of indictment. White House officials took a similar but more cautious line in private and the President's public spokesman, deputy press secretary Gerald Warren, avoided saying that Mr. Nixon was confident of his Vice President's innocence. All sorts of meanings, including a supposition that the President welcomed the Vice President's plight because it could diminish the belief of some people that the country would be better off with Agnew than Nixon in the presidency, were read into the White House attitudes. My impression is that the President understood that the case against the Vice President was serious and considered his knowledge sufficient reason to be restrained.

In one of the court briefs supporting Mr. Nixon's refusal to release his tapes to the Watergate prosecutor, the President's lawyers made occasion to say that he could not be indicted by a grand jury unless he were first impeached and removed from office. Whether a Vice President may claim the same immunity, with reasonable hope that the courts will respect the claim, is in dispute. Upon the advice of his lawyers, and with the tacit approval of Mr. Nixon's White House lawyers, the Vice President put the federal prosecutor in Baltimore on notice that he reserves the right to claim that he cannot be indicted while he is the Vice President.

John Osborne

Is BART Any Way To Run a Railroad?

So-So Rapid Transit

by Peter Barnes

Oakland

The Bay Area Rapid Transit (BART) system is the country's first new mass transit system in decades, and it looks very good. Sleek aluminum trains streak along beautifully landscaped roadbeds, easing quietly into magnificent stations. Inside the trains are carpeted floors, wide, tinted windows and comfortably cushioned seats. Train control is completely automated, leaving train operators little to do except watch for emergencies. Understandably BART is being touted as a harbinger of other mass transit systems. But beneath its glistening image lie some hard questions: Who benefits from BART and who pays? Is it really the best way to move people? Is it worth the cost?

Back in the 1940s and 1950s you could catch an orange and silver train in Oakland or Berkeley and cross the Bay Bridge to San Francisco in relatively little time. This Key System, as it was called, was nothing fancy, but it moved people by rail to a downtown San Francisco terminal where they could catch trolleys to other parts of the city.

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The Key System fell victim to the automobile age and a takeover by National City Lines, a private company bankrolled by General Motors, Firestone Tire & Rubber, Phillips Petroleum and the Mack Manufacturing Company. National City Lines cut schedules and maintenance and replaced trains with buses, completing its "modernization" in 1958 by ripping out the rails on the Bay Bridge and going out of business.

During this same period a group of bankers, builders and industrialists was laying plans for what eventually became the BART system. Press releases invariably describe these businessmen as "farsighted civic leaders" who foresaw the smog, congestion and gasoline shortages of the 1960s and 1970s. Perhaps they did, but what most concerned them at the time was the shift of population and commerce from downtown centers to the suburbs. For them rapid rail transit was the centripetal answer to the centrifugal pull of the private automobile. They created a planning organization called the Bay Area Council which, in 1957, persuaded the state legislature to establish the publicly funded BART district. BART hired consultants, drew up plans for a three-county rail network and in 1962, just four years after the last Bay Bridge train disappeared, asked bay area voters to approve $792 million in rapid transit bonds, to be repaid out of local property taxes. The citizens' group leading the campaign for the bonds received contributions from banks, construction firms (several of which later got BART contracts) and the Downtown Property Owners and Building Association. The bond issue needed a 60 percent majority to pass. It got 61.2 percent and became the largest local bond issue ever approved in the United States.

At this point BART was to be a $925 million project ($792 million from bonds plus $133 million from Bay Bridge tolls) that would be completed within a few years. What needed to be done was to lay 75 miles of track and put some trains on it. But BART made a fundamental decision not to do things the easy way. It wanted the most sophisticated hardware that could be had, and was willing to forego existing, proven technology. It also decided to rely on outside experts and, as an appropriate corollary, hired a PR man as general manager. Without competitive bidding, it then signed an open-ended contract with an engineering combine called Parsons Brinckerhoff-Tudor-Bechtel (PBTB), which was charged with overseeing all design and construction as well as negotiating technical and financial arrangements with contractors. PBTB was to receive $62 million; as the project dragged on its payments ran to $143 million.

The original idea of BART and PBTB was to come up with completely automatic trains—there would be no human operators at all. "You'll never make the great leap forward if you retain manual controls," James R. Asmus, PBTB's managing engineer, contended. Ultimately the driverless train was abandoned, but the emphasis on solid-state guidance was not. Eventually BART purchased an untested control system from Westinghouse. That company boasted it would be the most dazzling automatic train handler ever built.

It didn't work out that way. The Westinghouse system has been, and remains, full of bugs. It is unable to detect with certainty a "dead" train stalled on the tracks ahead of a moving train, and occasionally makes the opposite error of detecting a train that isn't there. Because of these and other flaws passengers during BART's first months of operation on the Oakland side of the bay have been subjected to a variety of mishaps: trains have run through stations without stopping, have been shunted onto wrong tracks and have been derailed. The most serious accident occurred at the end of a line in Fremont when a train failed to stop as programmed, smashed through a sand barrier and plunged into a parking lot, injuring five.

As a result of such difficulties the state Public Utilities Commission has refused to allow BART trains to use the new tunnel beneath the bay to San Francisco, and on the Oakland side has required that automatic controls be supplemented by human dispatchers who telephone from one station to the next to make sure the tracks are clear. Westinghouse has been trying to fix its system with the electronic equivalent of inner-tube patches—for example $3 scrubbers on train wheels to improve the detection of low-voltage signals. It's possible that this patch-up approach will succeed, and it's also possible that major modifications and back-up systems will be needed. Either way Westinghouse wins and the taxpayers lose. Westinghouse's original $26 million contract has already ballooned to $40 million. It has made off with patent rights to technologies developed with public funds. And despite a clause in its contract requiring penalty payments for each day of delay, it has made more money because of its failures rather than less. When BART Director Daniel Helix grumbled about the absurdity of paying a company to correct errors it shouldn't have made in the first place, BART's general counsel explained that "Westinghouse will only accept the contract under their own terms, and they are the only people who can do the job." Helix called this "contractor blackmail."

Similar difficulties and cost overruns have plagued the lightweight aluminum cars BART ordered from the Rohr Corporation, a San Diego aerospace firm with no previous train-building experience. Rohr has been many months late in delivering the cars, and those that have been delivered have not all worked well. At one point not more than one-third of the Rohr cars were fully operational; the rest were undergoing repair or modification. The biggest problems have involved brakes and the automatic doors, which on occasion have flown open while trains were in motion. No penalty payments or damages were collected by BART from Rohr. Instead Rohr demanded—and got—a $612,000 "change order" to solve the door problem;

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in all BART is five years behind schedule, at least $500 million over its original budget and locked into maintenance and operating costs that are well above expectations. The budgetary excesses have resulted in a one-half-cent sales tax hike in the three BART district counties, as well as the likelihood of increases in the already steep fare schedule (30 cents for the shortest ride, $1.25 for the longest).

Who benefits from BART and who pays? It is important to distinguish BART from the New York, Chicago, London, Paris and other major subway systems. BART is *not* an inner-city transportation system, but rather a suburb-to-business-district commuter service. It is virtually useless for most residents of San Francisco, having only four stations in the city outside the downtown business district. It misses North Beach, Chinatown, the predominantly black neighborhoods of Hunter's Point and the Western Addition, the working class Richmond and Sunset districts, as well as Nob Hill and posh Pacific Heights. On the other hand its routes extend to places like Fremont, which are still transforming cow pastures into tract homes.

Even to suburbanites BART will be of limited benefit. It's ideal for the middle-level executive who lives in Walnut Creek and works at a bank headquarters on Montgomery Street, but for blue-collar workers, housewives, students or anyone else heading for destinations not contiguous to a BART station, problems arise. First the traveler must get to a BART station, which means driving or taking a bus; then he must get from a BART station to his destination, which means taking another bus or taxi. The combined fares, transit and transfer times could well persuade people to stick to their cars or to bus routes that are cheaper and more convenient. In other words BART is marginal, not essential—a status confirmed when it was hit by a 30-day strike last June and hardly anyone complained. BART itself estimates that when the system is fully operational in 1974, daily users will number about 100,000. This compares with a three-county population of 2.4 million people and 1.1 million automobiles.

Besides commuters and the firms involved in building BART, the biggest beneficiaries have been the property owners near BART stations. Property values in downtown San Francisco, downtown Oakland and along suburban BART routes have been rising dramatically. Thanks largely though not entirely to BART, downtown San Francisco has experienced a high-rise building boom that has enraged environmentalists (who call it "Manhattanization") and others concerned with preserving the city's topographic charm. At one point many years back it was vainly suggested that BART be financed at least partially through a special tax on BART-induced rises in property values. The failure to adopt such a plan meant that construction of BART would be funded largely through across-the-board property and sales taxes, both of which are regressive in nature, while the windfall benefits would be reaped by a wealthy few.

It's sometimes argued that the benefits of BART will be spread to the general public through such side effects as reduced congestion and air pollution. The extent to which this is true is very limited. BART's patronage projections for 1975 show that of 2.5 million daily "person-trips" in the three-county area, only eight percent are likely to involve a ride on BART. The estimated net effect on air pollution will be a two percent reduction in emission levels.

BART's biggest impact will be on Bay Bridge peak-hour traffic. BART estimates that 44 percent of those who cross the bay will use trains. But a majority of these will be former bus riders, and it's quite possible that any drop-off in auto crossings will be temporary: as congestion eases more drivers will go back on the bridge. (It is said that "freeways abhor a vacuum.")

A case can be made, though it's disputed by BART officials, that BART will *increase* the number of automobiles pouring into downtown San Francisco. That rests on the assumption that BART is largely responsible for the building boom. Many of those employed in these new high-rises will commute in automobiles that otherwise might not have entered the city.

In the long run BART may prove to have been a worthwhile investment for reasons largely unforeseen by its planners—the rising cost of gasoline and the strict pollution standards adopted by the Environmental Protection Agency. But it ought not to be hailed as an unalloyed marvel or as a model for other cities. It is needlessly complex. It has been an albatross on local taxpayers in much the same way that military boondoggles have burdened federal taxpayers. And it is by no means a comprehensive transportation system or the ideal one for the San Francisco Bay region. For the same or a smaller amount of money, it might have been possible to service many more people with an integrated system of buses: expresses with guaranteed rights-of-way, dial-a-buses, jitneys.

Any ultimate assessment of BART must consider not only ease and cost of transportation but the impact of transportation on people's lives. BART's original promoters were less interested in rail transit *per se* than in its ability to shape regional growth patterns to their benefit. That they succeeded may not necessarily be a bad thing, but it's worth considering some implications and alternatives. Bedroom communities near BART lines will thrive; so will downtown San Francisco and Oakland. But, says San Francisco supervisor Quentin Kopp, "BART will kill the neighborhoods—it will accelerate the middle-class exodus." Many planners today speak of bringing jobs to where people live, rather than perpetuating the long-distance commute. Others are concerned about discouraging growth of any sort, or at least the type that devours open space. For the people of the San Francisco Bay region BART may well have precluded such possibilities.

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Under Cover of National Security

Obstructing Justice

by Walter Pincus

For a period of two weeks last year, the FBI held up its investigation of two men in the Watergate case while its then acting director, L. Patrick Gray III, assessed the claims that if he went ahead he would uncover covert CIA operations in Mexico. President Nixon, in his May 22 speech this year, in effect accepted personal responsibility for the delay: "Within a few days [of the arrests at Democratic headquarters]," he said, "I was advised that there was a possibility of CIA involvement . . . It did seem to me possible that, because of the involvement of former CIA personnel [in the break-in] . . . the investigation could lead to the uncovering of covert CIA operations totally unrelated to the Watergate break-in . . . I instructed Mr. Haldeman and Mr. Ehrlichman [his two top White House aides] to insure that the investigation of the break-in not expose . . . an unrelated covert operation of the CIA . . . and to see that this was personally coordinated between General [Vernon] Walters, the deputy director of CIA, and Mr. Gray of the FBI. It was certainly not my intent nor my wish that the investigation of the Watergate break-in or of unrelated acts be impeded in any way."

It is worth recalling Mr. Nixon's words because despite the President's protestations that his intent was solely to protect national security, special Watergate prosecutor Archibald Cox has reviewed the matter and established, to his own satisfaction, that the effort to use the CIA to stop the FBI inquiry was not just mistaken caution but rather part of the overall criminal conspiracy to obstruct justice.

According to the information filed on August 17 in federal court at the time Jeb Stuart Magruder pleaded guilty, "part of the conspiracy" to obstruct justice was, wrote Cox, "that certain co-conspirators would misrepresent that the Central Intelligence Agency had an interest in limiting the investigation."

Thus a solid line has been drawn between how Cox and Nixon view one aspect of the Watergate case. This factual disagreement is important because the principal participants in the episode—and also those who may be indicted as co-conspirators—include not only the President himself and his two chief aides, Haldeman and Ehrlichman, but also former White House Counsel John Wesley Dean III, acting FBI Director Gray and Deputy CIA Director Walters. Others who may have been involved in this part of the cover-up are Nixon Re-election Committee Director John Mitchell and Finance Chairman Maurice Stans.

Was there genuine concern about national security or was the real fear political embarrassment in a presidential election year? It is very revealing that the White House focused its concern in Mexico, and on four checks from a Mexico City bank that passed through the account of one of the Watergate conspirators just six weeks before his arrest inside Watergate.

According to Dean's testimony to the Ervin committee, he learned on June 21—four days after the publicized break-in—that the FBI had come across the Mexican checks totaling $89,000. He also was told about a $25,000 check which went through the same bank account at the same time. It was signed by a man named Kenneth Dahlberg. Dean's source: then acting FBI Director Gray. (It is worth noting that Gray testified under oath in his ill-fated confirmation hearings before the Senate Judiciary Committee that "when we started out this investigation it was the most closely held investigation that we have conducted in the FBI because of the fact that we did not know who might become involved." That statement, as his conversations with Dean show, was not completely true.)

Dean testified he reported the information to his superiors in the White House and apparently to Mitchell and Stans. Later in his testimony he stated that the fact that "the FBI was investigating these matters was of utmost concern to Mr. Stans." The Dahlberg check represented a contribution from a Humphrey supporter (Dwayne Andreas) and was dated April 10, 1972—three days after a new reporting law went into effect. The contribution had not been reported. Stans' concern was further aroused when, about the same time, he heard from Dahlberg, a Minnesota businessman and Nixon fund-raiser, that the FBI was trying to interview him.

Stans also had some worries about the Mexican checks. They represented almost all of a $100,000 contribution from a Houston company. That gift could be considered a violation of the law prohibiting a corporation from contributing its own funds to a presidential election. (A Houston grand jury now has this matter under investigation.) With those things on Stans' mind, Dean's further testimony seems believable. "Mitchell and Stans both asked me to see if there was anything the White House could do to

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prevent this unnecessary embarrassment"—embarrassment that apparently would result from an FBI investigation of the matter.

On the evening of June 22, Dean again met with Gray to discuss both the overall investigation and the Mexican and Dahlberg checks. In later testimony both agreed that Gray raised the possibility that the Watergate burglary could have been a CIA operation and that the checks could be part of the clandestine funding. Gray testified it was Dean who "first raised with me the idea that if we persisted in our efforts to investigate this money chain we could uncover" a CIA covert activity. One important point to remember is that Gray testified he had called CIA Director Helms before his meeting with Dean and asked about CIA involvement. Helms, according to Gray, said he had looked into the matter and the CIA was not involved. Gray then testified he could not recall whether he told Dean of Helms' denial of CIA involvement.

Dean further testified that "on June 23rd I reported my conversation with Gray of the preceding evening to Ehrlichman and Haldeman. We discussed the Dahlberg and the Mexican checks and the fact that the FBI was looking for answers regarding these checks. I had the impression that either Ehrlichman or Haldeman might have had a conversation with someone else about this matter. . . ."

Dean was right, at least in part. Haldeman testified he had talked to the President earlier that morning (June 23) at which time the President allegedly was solely concerned with national security and not Stans' fears of political embarrassment. "As a result of this concern," Haldeman testified, "and the FBI's request through Pat Gray to John Dean for guidance regarding some aspects of the Watergate investigation, because of the possibility of CIA involvement, the President directed John Ehrlichman and me to meet with the director and deputy director of the CIA on June 23."

That meeting took place Friday, June 23, at 1 pm in Ehrlichman's office. All the participants except Haldeman testified that Haldeman said there was concern about the FBI investigation *in Mexico* uncovering CIA covert operations. Haldeman cannot remember mentioning Mexico.

General Walters testified he was directed by Haldeman to tell Gray that further investigation by the FBI in Mexico could uncover CIA operations, and that Gray would be expecting guidance on the matter. Neither Helms nor Walters asked how Haldeman knew this. At about the moment when the meeting in Ehrlichman's office broke up, Dean, according to Gray, called him to say General Walters would be calling for an appointment. Some 20 minutes later, Walters did call Gray and they met shortly thereafter. In the interim Dean again called to make certain the meeting had been set. After the meeting, in which Walters passed on the message about investigating in Mexico, Gray ordered that a lawyer in Mexico City, Manuel Ogarrio, not be interviewed. He also said he reported what had happened to Dean. (Gray's involvement of Dean in the June 23 arrangements does not quite correspond to Dean's testimony. Dean made no mention of his calls to Gray about the Walters meeting and said he learned of the June 23 Haldeman-Ehrlichman meeting with the CIA officials the following Monday, June 26, in a conversation with Walters. Gray had lapses too. In his sworn testimony before the Judiciary Committee, he was asked for a complete list of his meetings and telephone calls with Dean. Among the many calls not provided at that time were the three June 23 calls dealing with the Walters meeting.)

Walters testified he went back to the CIA and checked to see if the agency had any involvement with Ogarrio. The following Monday, June 26, he told Dean—but surprisingly not Gray—that there was no CIA interest in the man.

On June 27, according to Gray, he told Dean in a morning call that if Dahlberg continued to evade FBI agents, as he was doing, "he would be called before the grand jury." Since Walters had not responded on Ogarrio, Gray called Helms and asked about the Mexican lawyer. That afternoon, Helms called back to say there was no CIA interest in Ogarrio and he could be interviewed. Just seven minutes later, according to Gray, Dean called up asking that interviews of Ogarrio and Dahlberg be held up "because of CIA interest in these men." Again, Gray could not recall whether he told Dean of his conversation, minutes earlier, with Helms where the contradictory information was passed. (This June 27 call from Dean was also left off Gray's log of phone calls.

Gray then apparently scheduled a meeting with Helms for 2:30 pm, June 28, to clear up the matter. He told Dean about it, he thinks, in a call the morning of June 28. He also said the interviews of Ogarrio and Dahlberg were to be ordered. Less than an hour later, Ehrlichman called Gray and, according to Gray, curtly told him to cancel the meeting with Helms since "it is not necessary." (Ehrlichman testified he called the meeting off because aides to Gray who were to attend were considered sources of news story leaks.) That afternoon, after CIA called to say it had no interest in Dahlberg, Gray gave orders that the interviews were to take place.

Early the next morning, Gray testified, he reversed himself and cancelled the interviews. Said Gray, "I am fairly certain I did so as the result of a telephone call I received from Mr. Dean at home . . . He again urged that these interviews be held up for national security reasons or because of CIA interest." Gray did not tell the Senate committee, nor was he asked what reason he gave his subordinates for the sudden reversal on the interviews. By that time the CIA had told him it had no interest in either Ogarrio or Dahlberg. Gray had only the contradictory word of Dean, alone—

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or so he has testified. Dean made no mention of this call in his testimony and, as with other key conversations in this episode, Gray did not list this call in his submission to the Judiciary Committee.

The matter apparently lay dormant until Monday, July 3, when at a meeting with his key FBI investigative staff, Gray apparently was asked about the delayed interviews. Gray testified he said at that meeting he would not continue to hold off without a written request from the CIA. He said he told Dean as much on July 3, but surprisingly not General Walters. Two days later, on the afternoon of July 5, Gray apparently still had some doubts about what was needed to hold up the interviews. He talked to Assistant Attorney General Henry Petersen. According to Petersen, Gray "had been led to believe there was some CIA involvement and I said, 'Pat you can't accept that, at least you can't accept that orally; you had better get that in writing and if you accept it I am not going to be bound by it because I just don't believe that, it is too convenient.'" Did Gray tell Petersen he had in writing from CIA that the agency had no interest in either Ogarrio or Dahlberg and that the delay stemmed solely from John Dean's June 29 early morning call? Neither Petersen nor Gray was asked that question at the Ervin hearings.

Gray apparently left Petersen and, late the afternoon of July 5, called General Walters to tell him he could not continue to delay the interviews without a written request. One might expect that Walters would respond, "go ahead, we at CIA have told you to." But he didn't say that. Walters said he would be in Gray's office the next morning at 10 am. Gray then called Dean and told him what he had told Walters.

When Walters arrived the next morning, July 6, he presented Gray with a summary of the information the CIA had sent the FBI in the period since the investigation had begun. It did not ask any part of the Mexican investigation be halted. Walters told Gray he could not write such a letter and, according to Gray, the deputy CIA director said he "was not going to let 'these kids' kick him around any more." He said he would resign if ordered to write such a letter.

Gray, according to his testimony, later that morning called Clark MacGregor to complain about the runaround he and General Walters had been getting from the White House staff. The President called the acting FBI director less than an hour later, allegedly to congratulate him on the bureau's performance during a hijacking. As Gray described it, he then fearfully blurted out to the President the statement that "people on your staff are trying to mortally wound you by using the CIA and FBI and by confusing the question of CIA interest in, or not in, people the FBI wishes to interview." Gray said he was surprised the President didn't ask who on the staff was involved.

MacGregor, who was not a witness before the Ervin committee, has denied Gray's version of their phone call, even to placing it late the evening of July 5, rather than the morning of July 6. MacGregor also said he never told the President about it. That in itself is important for Gray's version of the call, if passed on to the President, would have given him adequate notice that some attempt at a cover-up was underway.

As the contradictions show, the Ervin committee left a good deal to investigate. The Cox determination that a criminal conspiracy was afoot guarantees that at least one version of what happened will be developed through the indictment and any subsequent trial. Which of the participants were innocent and which were conspirators misrepresenting the CIA interest? That remains to be seen but, as the Ervin committee testimony suggests, the participants tell conflicting stories and a few have told different stories in different forums.

Some observations, however, can be made. By the morning of June 23, when Haldeman met with the President, a number of White House and Re-election Committee officials—Dean and Stans to name two—were aware that continued FBI investigation of the Mexican and Dahlberg checks would lead directly to the Nixon Re-election Committee. It is hard to believe that during the preceding days, in the course of meetings held at the White House on the subject of Watergate, that these facts were not passed on at least to Haldeman, if not the President. In any event the specific mention of Mexico by Haldeman in his June 23 conversation with General Walters showed he was aware at the very least of where the FBI was going. And if he knew of the FBI interest in the Mexican checks, he must have known of Stans' worries about exposing the source of those checks.

Finally there is the matter of acting FBI Director Gray and CIA Deputy Director Walters and the way in which these two loyal Nixon appointees acted to clear up the so-called confusion. Several of Walters' memos imply that Gray was sympathetic to the effort to slow down if not stop the Ogarrio and Dahlberg interviews. Gray's actions, at least his recision of the interview order on June 29, solely at Dean's urging, support that suspicion. But Walters too did strange things. After carrying Haldeman's message to Gray on June 23 he failed to tell Gray the following Monday that the CIA, after checking, found it had no interest in Ogarrio. Instead he told Dean and told him in a meeting where the White House counsel made the outrageous proposal that the CIA pay the salaries and legal fees of the men arrested at Watergate. Dean's scheme in itself should have established for any prudent observer the nature of Dean's interests.

The two-week delay in the bureau's interviews of Ogarrio and Dahlberg gave Stans and others time to work out their stories on how the $114,000 was handled, and that may be what obstruction of justice in this episode was all about.

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Stanley Kauffmann on films

Bang the Drum Slowly

(Paramount)

The Mackintosh Man

(Warner Bros.)

The last time I went to a baseball game was 10 years ago with a visiting Englishman. I rarely read sports pages any more. I thought my early affection for baseball was well behind me, and my biggest experience at *Bang the Drum Slowly* was to learn that it isn't.

In its feeling for the game, this is the best baseball film I can remember. Some 40 years ago I loved Joe E. Brown, himself a ballplayer, in *Elmer the Great* and *Alibi Ike*. (Earlier there was Babe Ruth in *The Babe Comes Home*, having a romance with Anna Q. Nilsson, the laundress who washed his uniforms stained with tobacco juice.) I've seen a lot of others through the years but none that got more of baseball's unique kinetic qualities than this one—the alternation of plateau moments with lightning flashes of action (like the double play), the physical protocol (the careful cap-tugging, bat-weighing, mitt-pounding), and the superlative grace into which deliberately clumsy men can blossom (the base-runner sliding under a tag with arms upraised).

John Hancock, the director, understands all this and more, and when I realized that fact, you could have knocked me over with a bean-ball. The theater work of Hancock's that I've seen has been doggedly avant-garde. (I missed, as who wouldn't, his first film, *Let's Scare Jessica to Death.*) And I went to this picture dreading that I might be seeing baseball from the viewpoint of the bat or God knows what. But Hancock sees the game whole and renders it whole, with just enough slow motion scattered throughout to serve as humorous commentary and esthetic tease. He falls into cliché at the beginning of sequences—pulling back from objects like statues or flags to give us the whole scene—and in one sequence the team is wearing road uniforms in their home stadium, but by and large he's done a good job with atmosphere, actors and story-telling.

He's greatly helped by the fact that his leading actor, Michael Moriarity, who plays a major-league pitcher, really has what they call "a good motion." When Moriarity winds up and throws the ball toward the camera, he's authentic. That good motion is as necessary for his *character* as a believable quick draw would be for a Western gunslinger.

This is Moriarity's first big film role. I've seen him several times in the theater, where he was pleasantly adequate, and that's what he is here. He resembles Jon Voight, which is just a tough coincidence, but his acting is like a weaker version of Voight's, which is more serious. At any given moment Moriarity delivers about 60 or 70 percent of what Voight could be doing. It's as if we were seeing a likable understudy.

His roommate, a catcher, is played by Robert DeNiro of *Greetings* and *Hi, Mom.* This catcher is an amiable, unbright Georgian, a tobacco-chewer with a cornball haircut. DeNiro does all right in outline and design, but he doesn't fill it out with sufficient flavor and body. Vincent Gardenia plays the manager (based on Casey Stengel?) and murders syntax with fierce authority. As he showed in *Little Murders*, Gardenia is a good angry comedian, but I wish he would get the chance to show the range he has shown in the theater.

The script, by Mark Harris from his novel of the same name, is one more variation on the two-pals theme that preceded *Of Mice and Men* in American writing and has followed it as well—one pal smart, the other dumb, the two linked by brotherhood and by a tacit protectorate. The novelty here, as against Steinbeck, is that we know from the start that the dumb one is going to die (Hodgkin's disease). His disease is secret from everyone but Moriarity during most of the picture, and the script works the counterpoint between a profession that depends on physicality and the presence of imminent unknown death.

Most of the time there is more sentiment than sentimentality. (There's an occasional dreadful line, like one that tells us everybody is dying and that's why we're all so nice to one another.) With the obeisance to Ring Lardner that every writer about baseball must pay, Harris keeps the texture pretty good, but there isn't much more to the script than the texture. Not much point or theme; the story simply winds to its foreseen end. The team used to rag the dumb catcher before they learned of his illness, and the last line is Moriarity's: "From now on, I rag nobody." *That's* the point? Pretty puny; and pretty false. What would sport be without ragging? Or American humor in general?

I liked Hancock's work better than Harris'. The parting of the two friends, at an airport, is particularly good. The

(continued on page 35)

Films Worth Seeing

The Friends of Eddie Coyle. The looks of this crime film are syrupy and wrong, but Robert Mitchum's performance as a gangland Willy Loman and the gravelly dialogue make it good underworld sociology.

The Hireling. Sarah Miles and Robert Shaw as titled lady and chauffeur give beautiful performances *within* which this nicely modeled little tragedy exists.

Last Tango in Paris. Burdened with silly overpraise, adolescently profound, it nevertheless has the genuine musk of sex in the early Brando-Schneider scenes.

Memories of Underdevelopment. The first Castro-Cuba film in the US and a fine one: about a bourgeois intellectual hopelessly-hopefully watching the revolution happen.

State of Siege. The Tupamaro abduction and murder of a US official in Uruguay, 1970, re-created without the objectivity it claims but with excitement and point.

A Touch of Class. If you saw Glenda Jackson here for the first time, you'd think she was a fine comedienne, period. (She can do *anything.*) Mostly fast and frivolous old-style comedy-romance.

SK

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The Naked and the Dead

Marilyn: A Biography
by Norman Mailer
pictures by the World's Foremost Photographers

(Grosset & Dunlap; $19.95)

We'll never know about Marilyn Monroe. That is the secret of her power over our imagination, the essence of her sexual myth. Or myths. She lives in mystery with us. There is meaning in the fact (or "factoid," as Norman Mailer would have it, in his biographoid) that Marilyn was first called to the attention of Hollywood producers by a story planted in a gossip column purporting to report the hospitalized Howard Hughes' interest in a picture of the then unknown model: "'Howard Hughes must be on the road to recovery. He turned over in his iron lung and wanted to know more about Jean Norman, this month's cover of *Laff* magazine.'" Like Hughes, she is mythology held together by celluloid tape, central to the meaning of American dreams.

Marilyn is first of all Orphan Annie, forever parted, forever searching for Daddy Warbucks, not so much an orphan in fact as in factoid, but an orphan for the world to know, pity and to identify with as she struggles upward toward Father Fame. Hollywood has always had a great big heart where orphans are concerned (we are here speaking of story lines), orphans are deep down where universal myths emerge, and myths make money. Her mother and her sire (though there will always be a mist of mystery here) were co-workers in a literal film factory, splicing strips of celluloid as the child gestated in the womb. Out of this perfect union, this momentary liaison, comes our ephemeral heroine, poor little Norma Jean.

Then Norma Jean becomes Jean Norman, her story another murky underworld passage through the back doors of Hollywood, being Zanucked and Schencked, while smiling all the while for cameras hidden and otherwise. From this mystery emerges Marilyn Mellifluous, the Girl with the Magic Behind, the Varga Girl Herself, just in time to warm us through the Cold War. The Orphan, nobody's girl, now becomes The Fallen Woman, which is everybody's girl, that is to say—Eve. There is a telling photograph here of Marilyn taken with a group of Twentieth Century-Fox contract players in 1950. Eight girls, each striking her pose, eyes askance for fame, and only one made it, throwing out her wistful waif's face for all she's worth. An unknown factor is involved: the successful transformation of a photographic image into a presence, and as Jayne Mansfield (MM's antitype) proved conclusively, not all the publicity in the world can transform a sexy freak into a transcendent symbol. Whatever it is, that elfskin glow needs the silver screen for its detection.

Publicity, however, helps and marrying Joe DiMaggio helped also, redeeming Marilyn from the scandal of that nude calendar, giving her an accelerated boost into the minds if not the hearts of those people who used to go to movies and baseball games but who now stay at home and watch them both on TV. Having played the wide range of roles available for single women in America, she now married Casey at the Bat. Had Marilyn settled into the wifely role Joe cast her for, she soon enough would have dropped from the realm of the gods, becoming Mrs. Casey—whoever *she* was. But like Eve before the Fall, Marilyn was not content. Fame made her ambitious for pride of intellect, and after divorcing Joe she acquired an education by marrying one: Arthur Miller, type and symbol for the '50s of Famous Egghead-Writer. This marriage, which became a very Famous Troubled Marriage, unlike the DiMaggio connection, was a status as well as a fame trip. Joe had wanted to wash the crud off her face, to redeem the tarnished angel by taking her home and domesticating her. Arthur had a more ambitious, idealistic and (it must be said) deluded quest: he wanted to wash the crud off her face, take her home and play Professor Higgins to her Eliza. O that a playwright so imbued with the classics should fall into the trap of Pygmalion! Well after the fall was over, Miller had the final word, counterpoint to *My Fair Lady*, and in the midst of his agony wrote what may not be the "ultimate" but what remains a strange and moving film, *The Misfits*.

There were other men in Marilyn's life, real or imagined, but these two were the myth matches—up until now. Now what we have, as the bold print on the title page advertises, is MARILYN NORMAN MAILER, and we may, metaphorically at least, add his "M" to the alliterative list of Marilyn Monroe's mythic mates. Now what of this union? Let us first of all dispose of the current nastiness involving Mailer's dependence on books by Lawrence Guiles and Maurice Zolotow. It ill befits us (as our beloved leaders have lately reminded us) to comment on matters still in litigation, but I think it does not prejudge the case to say that the "fault" here, as with Mailer's previous "failings," is endemic to his method. Spinners of fictions have often used other men's books for their own material (with much less credit than Mailer bestows), and Mailer is here working in that tradition, as he reminds us throughout. His method is simply to track Marilyn through the stages of her life as recorded by other men, sermonizing, hypothesizing, rhapsodizing as is his wont. He calls it a "Novel Biography," presumably to stress its conjectural and innovative rather than its factual quality, and as in all that Mailer undertakes, what ensues is characterized by verve even when all else is lacking. If the demands of time made for haste, hence for an expense of style in a waste of material, the resulting performance is hardly negligible. An aside by Mailer after all is worth a whole essay by many another, and Mailer carries it all off, however imperfectly, with such brio that one is reminded of John Barrymore in his later years, when the play was less important than the performance.

What seems to be missing is that characteristic impact of encounter, the personal, subjective engagement that we associate with Mailer's writing since the early '60s. At the start he tells of his attempts (if I may borrow a term from Strasberg's Method, which Mailer ridicules while imitating) to establish "Contact" by sniffing a bottle of Chanel No. 5 ("a dime-store stink") and playing cabalistics with Marilyn's name and his own: "It was fair and engraved coincidence that the letters in Marilyn Monroe (if the 'a' were used twice and the 'o' but once) would spell his own name leaving only the 'y' for excess, a trifling discrepancy." From thence he moves on

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to anagrams—"she was also Marlon Y. Normie"—but none of this comes to much. Through the first half of the book Mailer also tries to convince himself (under the guise of telling us) that Marilyn was indeed the "secret nude of the American dreamlife," but the effort shows and his rhapsodizing over her sexiness begins to resemble the yellowed prose of old '50s press releases. Of course it is hard to work up much passion over a woman who has been dead for more than 10 years. If Marilyn ever was the libidinous cooky we were forever being told she was, not even these near- and naked photos convey that dubious magic—unless necrophilia is your bag.

But I think the problem lies somewhere else. Mailer makes the ritual gestures, yet his heart is not in it, his sensibility not being of the right shade of lavender to take pleasure from contemplating dead and dying movie queens. For all of his word play Mailer never acknowledges the Norman/Norma Jean /Jean Norman/Mailer contingency, preferring rather to play games with Marilyn Monroe and here, I think, is the contact zone. Mailer is interested in the completed artifact, a mock-up of *macherung*. As a result, though he is very perceptive, he does not find in Galatea an object of sexual desire.

Like all of Mailer's heroes [sic], Monroe (as he often calls her) is torn apart by contrasting personalities, plagued by feelings of inadequacy, and seeks fulfillment through marriages made to be destroyed or in films that her self-destructive tendencies often mar. Most important Mailer sees her as not so much a centerpiece in a sexual drama as the star attraction in a theatrical "orgy of publicity." Significantly this phrase occurs in the first sentence in section VII (magic seven) entitled "The Jewish Princess," which is devoted to the Monroe-Miller marriage but where the contact zone is perhaps more between Miller and Mailer. The friction between these two (early in the book we hear that Miller never invited Mailer over to his Connecticut farmhouse when Marilyn was his wife and Norman his neighbor, even though the two men shared the same apartment building when Miller was working on *Death of a Salesman* and Mailer was "doing *The Naked and the Dead*") is perhaps characterized by the kind of rivalry that reveals the old myth of the doppelgänger; and if we may pose Marilyn as a metaphoric centerpiece in a theoretic *ménage à trois*, some interesting correspondences emerge. Mailer came out of the same New York Jewish political ghetto as Miller (even the names are synonymous) and *The Naked and the Dead*, like the best of Miller's work, is animated by Marxist ideas. Mailer has dabbled in theater, Miller has written fiction—including a novel—and the both have worked with movies. Both men succeeded (the one early, the other relatively late) in writing ambitious works that accomplished the miraculous by bridging middle- and highbrow tastes, writing a novel and a play that made money and were acceptable to the critical intelligensia. But early fame drove Mailer underground until he became that tangle-headed male Medusa we know so well, the orphic voice of the Village. Miller stayed uptown, enjoying his hard-earned laurels and

Conversations in the Court

The Economic Situation

(Present are Counsellors Stein, Shultz, and Sir J. K. Galbraith)

King Richard:
My Lords, today I've assembled you, including one
Long exiled from the inner Palace group, to seek
Your views on matters of the Kingdom's wealth.
To each and every subject of our realm, there still
Are—God Save the Pound—complaints that now
And then the price of food or rent or entertainment—for
We have a happy life—are rising faster than the gain
In peasants' wage.
There are dastardly charges
That the sending of our bounty to our foreign friends
Interferes, as of course it doth not, with the local marketplace,
That eggs of chicks are soaring like the eagles, that price
Of beef, the basic food of all the land,
Is somehow out of reach.

Counsellor Stein:
Let me explain, my Liege . . .

King Richard:
Shortly. The point, my Lords, is to battle ignoble rumor
With a doctrine fresh, while asserting with regal voice
That what we've done so far is wholly right.

Counsellor Shultz:
That much is certain, Liege, but . . .

King Richard:
Phase Five is what the problem is! Who's first to speak?

ROBERT J. MYERS

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maintaining his elevation by means of reputation rather than by continued accomplishment.

It was at this point that Miller married Marilyn Monroe, and the event was, as Mailer points out from time to time (with a sharpened stick), a turn downward in the playwright's career from which Miller has not even now recovered. The wedding took place in June 1956 during the absolute nadir of Mailer's career, *Deer Park* having been published the previous year; but during the years that followed a new Mailer began to emerge while a new Miller did not. *Deaths for the Ladies* was published the year that Marilyn went under and (more important) *The Presidential Papers* appeared in 1963, the year that Kennedy died. Like some kind of avatar, Mailer took new life "as the deaths and spiritual disasters of the decade of the Sixties came one by one to American Kings and Queens, as Jack Kennedy was killed, and Bobby, and Martin Luther King, as Jackie Kennedy married Aristotle Onassis and Teddy Kennedy went off the bridge at Chappaquiddick." These deaths are cited by Mailer so as to put Marilyn's in perspective, placing her in "the decade that began with Hemingway as the monarch of American arts [and] ended with Andy Warhol as its regent," but they serve as well—and more than coincidentally—to bring Mailer into the long Dance of Death that was the '60s.

Mailer's final transformation was signaled by the serial publication of *The American Dream*, a forced birth conceived even as Kennedy was dying, a book deeply rooted in the traumas of that era, both private (Mailer's) and public. The novel was supposed to celebrate Mailer's return to fiction, but instead it was a casting off of Mailer's past, a ritual exorcising; and following its much ballyhooed publication in *Esquire*, Mailer set out on a career that for the past 10 years has been almost totally identified with current events, his participation extending so far as to actually run for public office.

Early on nearly destroyed by the quick fame and notoriety of *The Naked and the Dead*, and having suffered a decade of critical neglect and personal *angst*, Mailer has spent the second climacteric of his creative life wrestling with just those protean forces ("the orgy of publicity" of chapter VII) that were the death of Marilyn Monroe, with the result that though he somehow bested Miller he is now *contending* with Marilyn. The movies—his own in particular—have become very nearly an obsession with him, but in a much larger sense he has identified himself with the ephemera of our popular culture, the periodic brouhaha of championship boxing matches and elections, the monumental explosion of flackery that was the moonshot, the flotsam and jetsam of our generation taking its shape from the informing presence of . . . Trashman!

So here now is Trashman's latest. This book, published on the 10th anniversary of the transitional year between Marilyn Monroe's death and Mailer's rebirth is a symbolic event, surely the match of the decade if not the century. Norman's wrestlings with the meaning of Marilyn is, "in that favorite word of the publicity flack, *curvaceous*," not a sensuous and hardly a sensual curve, but a time-curve, a psychic bending back in a gesture of possession, and as the camera closes in and peers over the writer's shoulder, whom do we see taking shape in his hands but—Norman Jean!

His victory? No, nobody will ever know Marilyn Monroe. Myth Marilyn Monroe. She grows younger as we (and Norman) grow older, like the photographed faces of young soldiers fixed for eternity with question mark eyebrows, naked and dead, forever floating in a lens of amber, amen.

John Seelye

Five Kinds of Footnotes

My Past and Thoughts: The Memoirs of Alexander Herzen

edited by Dwight MacDonald

(Knopf; $12.50)

To what are we indebted for this latest edition of Alexander Herzen's memoirs? Apparently to Dwight MacDonald's reaching the conclusion that, as Marx was "our man" in the 1930s, Herzen might be our man for the 1970s. Actually Herzen was the man for MacDonald and friends already in the 1940s, and MacDonald's preface begins with an unabashed and lengthy quotation from an article of his own to that effect, written in 1948. After the preface comes a 24-page introduction by Sir Isaiah Berlin, taken from a four-volume English version issued in 1968, also by Knopf. That was a revision by Humphrey Higgens of a six-volume translation by Constance Garnett, published in London in 1924-27. Mrs. Garnett worked from a five-volume Russian edition that appeared in Berlin in 1921; Higgens made additions from Herzen's collected works as published in Moscow in 30 volumes in 1954-64, which in turn were based on Lemke's edition in 22 volumes prepared partly before and partly after the revolution (1915-25). The original memoirs were composed by Herzen from 1852 to 1857 and 1865 to 1867, and several incomplete Russian editions of them appeared before that of 1921. Thus we dig through layer by layer to reach a work of more than a century ago that has included or omitted various separately composed pieces. Each editor or translator has left his mark so that, as MacDonald cannot resist saying, the footnotes "come in four varieties"—in fact there are five kinds, including Herzen's own.

Herzen was half-German, half-Russian and illegitimate. His father was a Yakovlev from a noble family old for Russia; his mother was the daughter of a Württemberg official named Haag. Probably no Russian of the 19th century was more at home in Western Europe than he, and perhaps no Russian work of nonfiction of that century or this may be read more easily by Westerners today than *My Past and Thoughts*. Both Tolstoy and Dostoevsky admired him; two tsars respected and even feared him; he produced in London a Russian newspaper taken so seriously in Russia that corrupt officials there could be effectively threatened with exposure in *The Bell*. He was the closest thing mid-century

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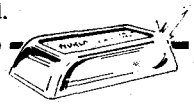

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Russia had to a conscience. In national-liberation circles of London he moved easily, as is illustrated by a dinner given by the US consul in London for James Buchanan, not yet President, which included as guests Mazzini, Kossuth, Ledru-Rollin, Garibaldi, Orsini and Herzen. A friend of Marx's bitterly objected in the press to Herzen's presence on the guest list.

Herzen was reared by a well-meaning father with frozen feelings who made great needless fuss over his son's physical health and was indifferent to his emotional health. His mother was a woman of courage and stamina. At Moscow University he was exposed to wine and women, Schelling and St. Simon. Once Nicholas I, passing the university buildings, remarked, "there is the wolf's den," and he had the students investigated repeatedly. Herzen and a friend were suspected of sedition; he was finally found guilty of singing a radical song at a party he had not even attended and was unable to get any official to regard the anomaly as serious. He was sent to Perm, then Viatka, then Vladimir. In all three towns he observed the stupidity and cruelty of provincial bureaucracy; he made himself indispensable but not necessarily welcome with those under whom he worked. Allowed to go to St. Petersburg, he again made an incautious remark and again was exiled, this time to Novgorod. When he was finally allowed to go abroad, he never came back. In Paris he witnessed the events of 1848, "the revolution of the intellectuals," when the wheel of history refused to turn. Soon he was in London, the first famous Russian émigré and the only one with money, with which he was generous when he thought the person or cause had merit.

Anarchist Herzen was as a young man an ardent social Christian; then he turned anti-Christian, convincing himself that both Christianity and monarchy should be opposed and overthrown. Personally, ideologically, even ethnically he did not get along with the state socialist Karl Marx. But Russian anarchists were far from being like-minded either. Tolstoy thought Herzen much too activist and institution-oriented, though he liked Herzen personally and respected him. Herzen was to the end a proponent of revolution, as Berlin points out, and never became a moderate or a liberal in his beliefs, but quarreled with the young Russian revolutionaries of the 1860s and found them uncivilized (in how many ways the United States has just been repeating Russian experiences of 100 years ago!). In *From the Other Shore,* his evaluation of 1848, he wrote, "the liberty of the individual is the greatest thing of all; it is *on this and on this alone* that the true will of the people can develop." A liberal sentiment, it is also anarchist (and today sometimes conservative). He wanted both liberty and revolution, preferably a revolution led by housebroken aristocrats like himself, not the uncouth young "men of the 60s"; but he did not believe utopia would result. In *From the Other Shore* he deplored the fact that "having lost paradise in heaven we believe in the coming paradise on earth and boast about it."

It seems fair to suggest that MacDonald presents the new edition as a political memoir. Important in so doing is the omission of the section entitled "A Family Drama," absent from all Russian editions up to 1921 because of Herzen's wishes or delicacy; yet it was the portion for the sake of which the rest was composed, and intended to be the centerpiece of the whole. It tells the painful story, written in "tears and blood," as Turgenev commented, of the entanglement of Herzen's wife Natalie with the unpleasant Georg Herwegh and the aftermath, including Natalie's death. It also gives Herzen's most direct reactions to 1848 in Paris. (After his wife died Herzen moved to London and became involved in a comparable triangle with the Ogarevs; the Herwegh affair deeply wounded him, yet oddly he played Herwegh's part in making Natalie Ogarev his mistress.) "A Family Drama" obviously recounts the crisis of Herzen's life, as he sees it. Why is it left out? Undoubtedly because it disturbs the image MacDonald wishes us to have of Herzen. It is not an erroneous one; but it is incomplete because it leaves out a vital part of Herzen—the 19th-century Romantic. Suffice it, for illustration, to point out that in the Herwegh-Herzen triangle all three parties undertook to play the roles of the three major characters in George Sand's *La Petite Fadette,* calling themselves and each other by the names of those characters, before Herzen began to tire of the game and decided he should take offense. E. H. Carr's book on Herzen and friends is not entitled *The Romantic Exiles* for nothing.

Herzen, with all his marring faults and attractive contradictions through which he avoids the consequences of any of his incompatible beliefs, makes excellent reading. The reader should buy the complete 1968 edition of *My Past and Thoughts* if he can find it; if he cannot

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this one will do. If MacDonald wishes to model his life on Herzen's outlook, let him; the rest of us may wish not to make Herzen bear the burden of being "our man" for the 1970s, but simply to admire his strengths and endeavor to avoid his weaknesses. MacDonald found that even his educated acquaintances did not know who Herzen was. One hopes that the next person to bring out an edition of the memoirs, if he polls his friends, will learn that Herzen's name has become more familiar since 1973.

Donald W. Treadgold

Reconsideration

Totin' de Weery Load

It seemed like a good idea at first, a piece on *Gone with the Wind*, that most phenomenal of best sellers, not so much a book as a literary Act of God, unexplainable but cataclysmically there. After 37 years, book and movie are still very much with us. Gavin Lambert's long, two-part essay on the making of the film appeared recently in *The Atlantic*, and in the past few years there have been an English musical version of Scarlett's trials and some kind of stupendous Japanese redaction. A thorough and admiring biography of Margaret Mitchell by Finis Farr was published in 1965, by which time *GWTW* had been translated into 25 languages in 29 countries, was being published in 12 countries besides England and the United States, with the sale of all authorized editions reaching 12 million copies. *GWTW* seems to have a kind of vitality and staying power that the ordinary blockbuster can't come up with. *Everybody* has read it and knows the characters, the famous scenes, the famous lines; *everybody* has seen the movie countless times and can tell you what was left out, what was added, what Scarlett wore when she went to see Rhett in jail.

Gone with the Wind
by Margaret Mitchell
Originally published in 1936
by the Macmillan Co.
Now available from
Avon, $1.95 paper;
Macmillan, $10 cloth

The novel is folklore now, a part of the culture (of many cultures, of the global village?). Its success has to be evidence of something—of reading habits and tastes, of the topology of fantasy, of the possibilities of promotion and advertising. Nothing with so much aggressive presence can be insignificant, so, as I have said, it seemed like a good idea to write an essay about *GWTW*, now that the world it came from and the world we inhabit might be different planets. That meant, of course, rereading *GWTW*. For a month I doggedly kept at it and must sorrowfully report that reliving those stirring days as described in the 862 pages of the paperback edition is mostly a tedious exercise in totin' a weery load.

Hard words from someone brought up on the book as I was and as my generation in the South was. We were a little young to be aware of its original reception, but Farr's biography documents that with intriguing detail—the front page reviews in the *Times* and the *Herald Tribune*, the praise from Henry Steele Commager and Stephen Vincent Benet, *Publishers' Weekly*'s judgment ("*Gone with the Wind* is very possibly the greatest American novel"). Reviewers were fond of comparing *GWTW* to *War and Peace*, and in my late adolescence (1948 or 1949) I must have shared that insight, because I have a clear recollection of reading both of them during the same summer, when I was out of school, didn't have a job and and could lie in bed all morning and well into the afternoon. I'm sure they must have seemed the apotheosis of the novel form (a famous poet told me recently that when he was 11 he read *GWTW* four or five times, somehow convinced it was the *only* novel). *War and Peace* was pretty good, but it tended to be somewhat remote and exotic (it was hard even keeping the names straight), but *GWTW* was both a masterpiece and something down home;

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when I saw the movie it seemed a literal, appropriately reverent transcription of the book, and the two merged in my consciousness never, I assumed, to be broken asunder.

I don't know how *War and Peace* got on my reading list, since I read mostly the books checked out by my mother at the branch library, all of them historical novels and all of them by women (*Forever Amber* sticks in my mind), generally ladies with three names. The only specifically *Southern* writers I knew about were writers from my hometown (Edison Marshall, Berry Fleming and Frank Yerby, the last, *mirabile dictu*, a Negro), the notorious Erskine Caldwell (another local boy) whose works mostly fed my appetite for pornography, and Elizabeth Boatwright Coker, a cousin who had reportedly written a successful novel about the Old Days (*Daughter of Strangers*), but I had never seen it. Faulkner, Welty, Warren, Tate and Katherine Anne Porter were names as yet unknown to me.

Such was the literary landscape that *GWTW* flashed onto, sweeping aside everything in its path. But what are the particulars that impressed me then? Either my memory or the book is at fault, because I can't recall in detail what it was that had me glued to the bed through those sweltering July mornings; I can only attempt my own Reconstruction. Although the ideas and attitudes of the book would have been familiar to me, I'm sure it told me a great deal about the Civil War that I wouldn't have picked up elsewhere. Not from my family—the myth of a Southern childhood has the family gathered on the porch at dusk maintaining the oral tradition, passing on the stories of tragic loss and defeat from generation to generation, but nothing like that was true of my experience. There was plenty of talk about who had married whom, who was her mother before she married (wasn't she one of the Ferguson girls?), but no gossip and I have to conclude not much knowledge about events that my great-grandparents had suffered through. I didn't see that omission then as *symptomatic* of anything either. Nor do I recall having learned much at school other than opinions and attitudes (I remember a high school history teacher screaming in rage at a boy who was unfortunate enough to have been brought up in Brazil where he had absorbed some very peculiar ideas about race). A book like *GWTW* really was news, and news of a special kind. Here was interesting history, more than interesting because all the places were familiar—Atlanta, Macon, Savannah, Augusta—and the fact that they were the setting for this dramatic action, depicted in this great novel, meant that they were important, significant, which meant, by involved adolescent logic, that I was possibly important and significant (maybe there's nothing unusual here? perhaps this is the purpose of the epic tale anyway?). *GWTW* offered me, and probably many like me, identity, an ordered, dignified, heroic past.

The manners and mores of the novel surely jibed with what I knew, and the sociological passages about 19th-century Georgia must have had the clearest implications for my own evolving notions about 20th-century Georgia. When Margaret Mitchell says of women at a ball (*ladies*, that is), "They were all beautiful with the blinding beauty that transfigures even the plainest woman when she is utterly protected and utterly loved and is given back that love a thousandfold," I could only have reacted with a dumb nod of assent, yes, yes, and more vigorous nods on reading that the Negroes had responded to Gerald O'Hara's gruffness "with unerring African instinct" or on discovering that while the barbecue was served up for the Wilkeses and Fontaines and O'Haras, the house servants and maids "had their own feast of . . . chitterlings, that dish of hog entrails so dear to Negro hearts . . ." These ripe complacencies would have been easy to deal with, ingested without a moment's hesitation. But what about the *other* part of the story, the shocking part, shocking because here the adolescent sensibility would have encountered something dangerous, attractive and yet *recognizable?* I could only have been enthralled by the "realism" and the rebelliousness of Scarlett and Rhett. Those two "mules," as Mammy calls them, challenge the claustrophobic Southern code of genteel and decorous behavior, of doing what's right. They break out, break loose, are free, and they get away with it—for a while, at least. Rhett leaves Charleston under the pressure of awful scandal, speaks common sense to the hotbloods at the barbecue about the South's unpreparedness for war, gets richer and more handsome as everyone else gets hungrier and shabbier. Scarlett shocks Atlanta by dancing in her widow's weeds with Rhett, fights like a tiger for what she wants, survives Sher-

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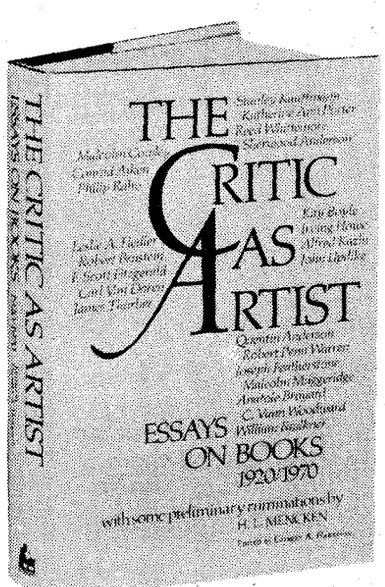

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man and the Yankees at Tara, thrives as a businesswoman. These two thrilling figures of freedom in a world suffocating under the dead hand of tradition, confinement and duty! Although I must have been aware of the panorama, the generosity of narrative and its peaks of excitement and drama, I'm sure that the chief pull of the story was observing these spectacular exemplars of romantic rebellion.

Where has the old magic gone? Why do I now find myself, like Prissy, wandering distractedly and mournfully complaining of de weery load? The book has undeniable strengths, and Malcolm Cowley, when he reviewed it in these pages in 1936, was moved to admit that it "has a simple-minded courage that suggests the great novelists of the past," this admission pretty much wrenched from him after he presents a catalogue of its defects. (The most interesting of these was that *GWTW* is an "encyclopedia of the plantation legend," a legend "false in part and silly in part and vicious in its general effect on Southern life today." I don't intend to get involved in *that* question, really a historian's question (it has never been clear to me what the duties to historical "truth" of an historical novel are) except to remark that the recently published collection of letters and journals of a prominent Georgia family in the 1860s, *Children of Pride* (Yale University Press) reflects the social surfaces of Margaret Mitchell's novel in ways that are uncanny. And the symmetries extend: when its editor accepted a shared National Book Award for *Children of Pride,* he quoted without undue modesty, a reviewer's comparison of his book with *War and Peace.*) Cowley's "simple-minded courage" seems to me just right, but I would add *energy* to that praise, an energy of conception and organization that I found really admirable this time around. Mitchell absorbed great quantities of historical and sociological fact from newspapers and various specialized studies, and she worked them into the narrative with wonderful smoothness and assurance. She generalizes with the confidence of a good journalist or sociologist about the blockade, the progress of Sherman's troops, the clothes the ladies wore, what the visiting customs of cousins were, and the generalizations seem to sprout naturally from the narrative, are rooted in the lives of the major characters.

That same energy marks some of the big, heavily plotted climactic scenes. Everybody remembers the last hours in Atlanta, when Melanie is in labor, the doctors are busy with the dying, Prissy dawdles maddeningly on her desperate errands, and Scarlett shows her fierce strength and determination in the face of stifling heat, Prissy's incompetence, Melanie's screams – it all works up to an atmosphere of genuine urgency and terror. Or the scene involving the deception of the Yankee soldiers who have come to arrest Ashley but are thwarted by the superb acting of Melanie. Or Melanie's deathbed scene, where the novel really comes into its own momentarily, as the astringencies of disenchantment and knowledge cleanse Scarlett's perpetually muddied vision. In that same scene the language takes on for once a kind of pithiness hardly in evidence elsewhere in this great pudding of a book, as Scarlett becomes "desolate with the knowledge that she could not face life without the terrible strength of the weak, the gentle, the tenderhearted."

And there are other good things: the faithful attention to place, when it's accompanied by feeling and understanding, moves and convinces (when the feeling and understanding aren't there, the prose slides into what sounds like a Jaycee pamphlet on Growing Atlanta). Despite the book's length and occasional aimless wandering, it has coherence and there are signs of an ordering imagination, seeking for a shape beneath the accidents of experience. Scarlett's nightmare of homelessness and Ashley's comparison of the South's destruction to *Götterdämmerung* both suggest that the center of our desire is a sacred place, implacably threatened by private and public disaster. Scarlett's return to Tara without Rhett, her survival and determination, are an echo of her mother's strength (betrayed only in her deathbed delirium) in surviving the loss of her lover Philippe. Margaret Mitchell said repeatedly that her book was about those who had it and those who didn't: those who had it survived and the others went under. Survival is the obsessive and austere theme of the novel, and there's no denying the power of its insistent dramatization.

And yet, and yet . . . reading the book now *is* a burden, the hopelessly bad outweighing the honestly good. *GWTW* is much too long (Gavin Lambert reports that Selznick was struck by Sidney Howard's comment that Margaret Mitchell "did everything at least twice") and a great many readers of the book and viewers of the film have persistently

distinctive

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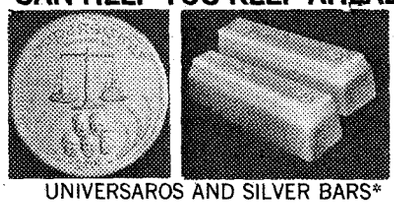

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and legitimately complained about the second half, After the War. The telling of the story, the author's control of point of view, is frequently uncertain: it's disconcerting not to be able to winnow out Margaret Mitchell's opinions from Scarlett's. And where is the famous Southern humor and irony, the broad comic swipes and grotesque exaggeration that have come to be the identifying birthmarks of our literature? It's all deadly earnest, without distancing or wit except when the Nigras shuffle on or Aunt Pitty flutters by (although there is one delicious moment when Margaret Mitchell produces the *ur*-version of the Tom Swiftie: " 'Pride! Pride tastes awfully good, especially when the crust is flaky and you put meringue on it,' said Scarlett tartly.")

The language of the narrative voice is generally functional and sure-footed and Margaret Mitchell was pleased with what she saw as the *stylelessness* of her book ("no fine writing . . . no philosophizing . . . a minimum of description . . . no grandiose thoughts, no hidden meanings, no symbolism, nothing sensational . . .," quoted in Farr(but it stumbles to its knees when MM forgets her rigorous precepts, when she veers into the metaphoric or poetic: "Scarlett felt the fox of wrath and impotent hate gnaw at her vitals"; "Now he had set his varnished boots upon a bitter road where hunger tramped with tireless stride and wounds and weariness and heartbreak ran like yelping wolves"; "Confronted with the prospect of negro rule, the future seemed dark and hopeless, and the embittered state smarted and writhed helplessly," etc., etc.

These language problems are minor, though: the gaping crater at the center of the book is the sentimentality of vision, the narrowness of perception and sensibility that inevitably affect everything: dialogue, characterization, incident, meaning. Like most of us, I suppose, Margaret Mitchell saw herself as a "realist" and was distressed that a Macon garden club had somehow got the notion before publication that *GWTW* "was a sweet lavender and old lace, Thomas Nelson Pagish story of the old South as it never was." MM may have believed with some justice that she had pictured the South more realistically than most earlier *romanciers* (her journalistic training gave her a healthy respect for solid fact, and she is good with *things*—houses, dresses, guns, towns), but the figures in her landscape, their emotions and inner lives, their motives and actions are preposterous and unintentionally comic—the fantasies of a fatally genteel and superficial imagination. The dialogue is a sure sign of this: Ashley and Melanie mouth an unbelievable Victorian pastry, Scarlett and Rhett endlessly repeat their first "witty" repartee, Gerald O'Hara and Rene Picard speak wiz ze foreign accents that Hollywood has instructed us in. The only vigor is found in the speech of the blacks, a minstrel show vigor, usually aimed toward an indulgent chuckle.

The surest evidence of the limitations of MM's sensibility crops up whenever the furthest reaches of the interior life must be exposed. All the stops are pulled out, and it's a strong reader who won't become queasy with embarrassment when he encounters these parodies of ladies' mag prose:

> Her eyes met his, hers naked with pleading, his remote as mountain lakes under gray skies. She saw in them defeat of her wild dream, her mad desires. . . . At his touch, he felt her change within his grip and there was madness and magic in the slim body he held and a hot soft glow in the green eyes which looked up at him. . . . Her body seemed to melt into his and, for a timeless time, they stood fused together as his lips took hers hungrily as if he could never have enough.

The biggest disappointment on coming back to *GWTW* is not discovering that it is a camp classic, with all this ridiculous melting and glowing, the rolling eyes and heaving sighs. One could skip over that if the fine courage and rebellious badness of Scarlett and Rhett that made the adolescent heart jump survived with "My dear, I don't give a damn," with the closing chapter. But 25 years have taken their toll, and steadier, soberer eyes regard that pair at the end. When closer attention is paid to what *really* happens, we have to admit the saddest falling off of all, the cruelest fantasy. It turns out that they weren't bad, irresponsible, selfish, free—some grand Promethean figures—they were going through a *phase*. When Scarlett finally comes to realize her roots are at Tara, when Rhett tries to return to society's embraces for dear Bonnie's sake (by joining the church, patching matters up with Atlanta's *grandes dames)* and has long second thoughts about Charleston and its quieter, more lasting values, what we witness is not transformation through suffering (although both characters have certainly suffered plenty) but a simple victory for the home folks. What was billed as *conflict* ends in mechanical, predictable collapse, a rigged contest, the sheepish return to the fold of a chastened Scarlett and Rhett. What seemed to be a real issue in the book, freedom—of Scarlett and Rhett, of the Negroes—turns out to be no issue. Freedom, as the home folks know, is a *delusion* (Margaret Mitchell on blacks during Reconstruction: "the better class of them [scorned] freedom"). The world of this novel (of the novel of the popular imagination?) is truly dead-end and claustrophobic because it flirts with the terrible ambiguities of freedom without ever really believing in its possibility. It sets up the illusion of danger and choice, trots out the dramatic gestures of Scarlett and Rhett, it titillates the audience, but that audience finds out what it has known all along. Once again it is comforted, assured of the rightness of its ideas of safety and propriety, secure in a cozy domestic scene that has blanked out the potentialities of tragedy. Rhett will come to Tara some day, won't he? Readers plagued Margaret Mitchell with this question, but it hardly needs asking.

James Boatwright

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In Brief

The Deltoid Pumpkin Seed by John McPhee

(Farrar, Straus & Giroux; $6.95)

This is the success story of a failure, tracing the invention, development, testing and completion of a wingless aerobody—neither airship nor airplane—by a group of dedicated amateurs. It comes complete with historical background, on-the-spot descriptions of the key events and capsule biographies of the many unusual men involved. A staff writer for *The New Yorker*, John McPhee can make almost any subject interesting, as he has proven with books on the New Jersey Pine Barrens, the Hebridean island of Colonsay, fellow Princetonian Bill Bradley and oranges. Here his primary subject is the aerobody itself, a strange structure deriving from the blimps and rigid airships with which many of its developers were once associated, and his discussion is often larded with the technical terms of aerodynamics and flight. But as usual his interest focuses not on the mechanical facts but on the human issues involved, the personalities of a handful of unusual men who mix their technical expertise with an almost obsessive affection for unusual aircraft, and the two theologically oriented men who successively directed the enterprise to its curious end. We explore their motives, their interactions, their hopes and their varied forms of resignation . . . and meanwhile McPhee skillfully maintains suspense over whether or not the final model—27.5 feet long, 24 feet across its deltoid tail—will manage to pass its long-delayed testing. (The project took 12 years; an earlier, smaller model was run over by a car on the landing strip.) What McPhee manages so deftly should not be laid out with drab explicitness in a review; at the risk of leaving the subject up in the air, one will say only that McPhee has done for the pumpkin seed what he did for the orange.

Winespring Mountain by Charlton Ogburn

(William Morrow; $6.95)

Over the last decade the irony and pity of Appalachia have been well documented by reporters and photographers, yet the area has curiously been ignored by the novelist. Not since Harriette Arnow's *The Dollmaker*, the classic treatment of the Appalachian migrant in World War II Detroit, has there been a serious portrayal of the 20th-century mountaineer. Miss Arnow even received $50,000 for movie rights, but no movie was ever made.

Now comes Charlton Ogburn's novel *Winespring Mountain*, which has all the elements of the "relevant" B-movie. The son of the president of a strip mine company is sent to West Virginia and becomes torn by the ecological horror that his father's bulldozers and augers hath wrought. At the same time he falls in love with a blind mountain girl—who of course also sees by the end of the story. After much fist-fighting and many charming experiences with the quaint mountain folk, the son finally converts his father to the cause, and strip mining is ended on Winespring Mountain. The son leaves the mountain a Man, determined to spread the Word to the rest of the land.

In Appalachia today, government grants and private foundations have spawned a new awareness of the region's heritage and culture. The Appalachian Film Workshop, a group of "amateur" college-age mountaineers, has produced several award-winning films; a National Endowment for the Humanities grant has started an oral history program to preserve the music and largely unwritten history of the hills; another NEH grant has started a journal called *Appalachian Heritage*, publishing fiction and poetry as well as articles. Yet such serious artistic and cultural endeavors remain largely unknown outside the mountains, and the sequel to *The Dollmaker* has yet to be written. Sadly, when Hollywood comes to capitalize on strip mining, it will probably turn to a Charlton Ogburn rather than a Harriette Arnow.

Notes on Contributors

Donald W. Treadgold, *chairman of the Department of History at the Univ. of Washington, has published a two-volume work,* The West in Russia and China *(Cambridge Univ. Press).* James Boatwright, *editor of the literary magazine* Shenandoah *and a member of the faculty of Washington and Lee Univ. "reconsidered" GWTW this summer while holidaying in Greece. TV critic and novelist* Crawford Woods *has moved back from New Mexico to Washington, DC.*

Crawford Woods on TV

"Sticks and Bones" post-mortemed

To freshly tell the story of "Sticks and Bones" it would be nice to have some inside information: brave memos from CBS officials to each other, big-lunch outrage from Joseph Papp, purloined letters from terrified affiliate station managers, a secret tape recording of Clay Whitehead reflecting for the benefit of an invisible listener that it might be well for television to remember Vietnam more fondly . . . lacking these we must turn to the play—the teleplay—itself, and to the circumstances of its showing, for an answer to what the shooting and shouting was all about.

For CBS did, finally, run "Sticks and Bones," if only on the becalmed air of summer. Perhaps it would be more accurate to say that a ghost of the vast network was occupied on a Friday night's prime time by this extraordinary drama. I use that dull word with some precision, because I'm not sure David Rabe's play is a work of either art or genius, but I am sure that it's unique as television fantasy, and that it's of a power incomparable by anything on the box since "The Andersonville Trial," and maybe not even by that. That fine play, after all, was historical meditation at a safe remove, the Civil War being as far from our souls as Marathon; Rabe's document leaves absolutely no space between itself and our own lives. Unless a few months are a critical space, and perhaps they are.

Because the odd thing is that the Vietnam war really is sort of "over." The mysterious convoy of dead and dying that trucks through the play under the command of a black sergeant impatient to deliver a body to every home in the land has actually come home already; but for those who somehow missed its passing, Rabe has left an unbearable note tacked to the kitchen door. His play has deficiencies but I won't go into them here. What im-

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pressed me was that somehow its ultimate charges against us—of racial hate, family disloyalty, and wholesale poisoning of the soul—really add up; the play somehow does what it's meant to, and I think TV itself is the how.

I've never seen a television production more cunningly staged or more brilliantly acted; nor one better directed. In every way this play performed a magnificent character assassination on the medium. It gave us nothing less than Ozzie and Harriet with the force fields of humor removed. Everything sitcom television has always stood for (it's all right, ma, I'm only bleeding) finally got the ax in these terrible minutes, the result being a play not only about the war but about the living rooms it was also fought in. Which is why I stressed "teleplay" earlier—out of a conviction that here, for a miracle, must have been a video translation even stronger than the original.

For that reason, the cold sweat these hours gave me came less from the play than a sense of the audience I was sharing it with. For a Manhattan crowd at $10 a ticket, "Sticks and Bones" could only have been a brutal confirmation of their private foreign policies. But for a large part of the TV audience, even now, it must have been an absolute killer. For years the nightly news had been telling them that Vietnam was a bad trip, and the occasional documentary even transmitted some sense of freakish nightmare, but what on the tube before "Sticks and Bones" really brought home the horror, expressed the madness and cancer at the root, voiced the idea that the war was as much deathwish as deathtrap, the final implosion of the sugarcane dream? Uncomfortable stuff, and so the flap, which is now history, occurred that first delayed its appearance and then caused more than half the CBS affiliates not to run it when it *was* put on (the National Citizens Committee for Broadcasting has accordingly complained to the FCC that such "established station policies to eliminate anything other than 'bland' middle-of-the-road fare . . . should count against license renewal at renewal time." Bravo). These facts are more than passingly grotesque: they mean at a minimum that the chances for serious original drama on commercial television are once again minute, and that the policy of self-censorship the White House is quietly encouraging is off to a chillingly good start. In the meantime, for all the timidity that plagued it, everyone connected with the televising of "Sticks and Bones" deserves a huge vote of confidence and gratitude from those of us who were allowed to see it. You folks in Memphis and Houston, Baltimore, Dallas and elsewhere, can thank your local stations for sparing you the necessity of enduring this shattering work and making your own conclusions from it. Sweet dreams were granted you through a blindness more terrible than that endured by the hero, the victim, of Rabe's overwhelming play.

Correspondence

Presidential Veto

Sirs:

In your August 18 and 25, 1973 issue you said in the article, "The Nixon Interregnum," that "he [the President] can no longer count on two-thirds of the Congress to sustain him." I have thought through the years that it took only one-third of the Congress plus one vote in each House to sustain a presidential veto. That it took a two-thirds vote to override a veto. Section 7 of the US Constitution says a bill after being "disapproved" by the President shall be "repassed" by two-thirds of the Senate and House of Representatives.

I do not look for the President's veto power to soon effectively disappear.

Mrs. C. R. Mueller
Highland Park, Mich.

VJ Day Recalled

Sirs:

VJ Day, coincident this year with controversy in the United States over constitutional issues of major portent, may recall the Supreme Court case entitled *In re Yamashita*, 327 U.S. 1 (1946).

Within weeks of the original VJ Day—August 14, 1945—General Yamashita, commander of a Japanese army group in the Philippines, was brought before an American military tribunal, charged with responsibility for atrocities committed by his troops. He was not charged with personal involvement in the atrocities. He was not charged even with personal knowledge of them. No one pressed the question: what did he know and when did he know it? Rather General Yamashita was charged with having "disregarded and failed to discharge his duty as commander to control the operations of the members of his command."

The military tribunal found the general guilty. On Yamashita's appeal for a writ of habeas corpus, the Supreme Court of the United States sustained the verdict. Dissenting, Mr. Justice Murphy pointed out that General Yamashita "was not charged with personally participating in the acts of atrocity or with ordering or condoning their commission. Not even knowledge of these crimes was attributed to him." Nonetheless Chief Justice Stone, speaking for the Court's majority, held that General Yamashita did have a "duty to control the operations of the members of his command."

Shortly after the Supreme Court's decision, General Yamashita was hanged.

Maurice Klain
Cleveland, Ohio

Aristotle on Bugging

Sirs:

Dr. Kissinger bugs his staff. President Nixon bugs himself. For all we know, David bugs Julie. Maybe Aristotle was right? ". . . it also belongs [to the nature of tyranny] to strive that nothing which any subject says or does shall remain hidden, but everywhere spies shall overhear him . . ."

Richard L. Teutsch
Cambridge, Mass.

Ortega's Defiance

Sirs:

How sad you sent a boy to do a man's job. Mr. McClintock's reading of Ortega y Gasset (*TNR*, July 28). Pretext my foot! Ortega was out to finish off Toynbee and he did. He needed no pretext! And to do so in Franco Spain—quite an act of courage overlooked by the reviewer along with the author's obvious debt to his Master, Unamuno—himself a giant of courage who defied Franco and lived to tell about it.

Bert S. Gerard
Elkins Park, Pa.

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Kauffmann, *from page 24*

place is empty. DeNiro, lugging his suitcase, waves to Moriarity and starts toward the plane, going home (as they both know) to die. The empty field, the steps leading up to the plane, the two stewardesses waiting at the top of the steps—all these are sheer fact, untampered with, converted by selection into symbol. Nice.

The only really distinguished moment in John Huston's *The Mackintosh Man* is the very opening, under the titles. Oswald Morris photographs the South Bank of London in delicate grays and whites, then as he slowly pans across the Thames to the Houses of Parliament, color gently enters the film. So, with intrinsic camera means, Morris tells us this is going to be a film of ambiguities that will be resolved as it progresses. His work throughout is up to his past high level (he shot five previous films for Huston, including *Beat the Devil);* so it's all the more surprising that his lighting of Dominique Sanda is not good. She has never looked less attractive.

The script, by Walter Hill from a Desmond Bagley novel, is a crime-espionage thriller, modestly intriguing without ever being blood-tingling. Paul Newman looks great but doesn't have much to do except a lot of action stunts, including (to my knowledge) a film first. He kicks a woman in the groin. She is a member of a gang that is holding him prisoner and has kicked *him* in the groin a few days earlier when they were subduing him; now, trying to escape, he returns the pointed compliment. Newman is better with this than with his Australian accent.

James Mason is OK as a plummy MP. Harry Andrews is an Intelligence chief, yet once more. (When he quits acting, will he get a Civil Service pension?) And, as always in British thrillers, the cast is studded with noted actors playing small roles and bits: Michael Hordern, Ian Bannen, Nigel Patrick and others. Even Leo Genn, unbilled, is on screen for a moment as a barrister.

Like most thrillers, *The Mackintosh Man* takes large bites out of the world, with locations in London, in a prison, in western Ireland and in Malta. Something like a one-minute airline TV commercial. Possibly there's an inverse ratio lurking here: the thinner a picture's substance, the more places it goes to.

And like many thrillers since *The Third Man,* the music—by Maurice Jarre—is tinkly and deliberately irrelevant, getting effects by contrast rather than by underlining.

I liked Huston's work here better than in the sententious and bloated *Fat City.* It's good, crisp, unobtrusive direction, except for the first Newman-Andrews scene, which was hard to follow. At the end Huston tries again for the bitter finish between lovers that he did so well in *The Maltese Falcon* (1941). Not this time.

Book Note. In 1969 the University of California Press published *The Haunted Screen,* a study of German film expressionism and the influence on it of Max Reinhardt, by Lotte H. Eisner. This is one of the best film histories I know, written with the skills of a trained art historian. Now the same press publishes Eisner's *Murnau* (hardbound $10.95; paperbound $4.50).

The author is German-born but writes in French. (She is on the staff of the Cinémathèque Française in Paris.) *The Haunted Screen* was published in France some years before it appeared here; *Murnau* was first published there in 1964. This, so far as I know, is the first book in English about a director who, with Lang and Pabst, is one of the three giants of the fascinating German '20s. F. W. Murnau, born in 1888, was brought to Hollywood in 1926, and was killed in a car crash near Santa Barbara in 1931. He made 21 films, of which only 11 survive, among them *The Last Laugh* and *Tartuffe* (both with Emil Jannings), *Nosferatu* and *Sunrise.*

Eisner's book includes interviews with surviving relatives, a chapter by one of Murnau's German set designers, the complete script of *Nosferatu* together with Murnau's notes, and a complete filmography, along with many photographs. The author gives us what she has been able to find about the lost films and a lot of useful information and insight about the others. I wish she had either reprinted her comments on Murnau's last three German films from *The Haunted Screen* or else written new sections on them, instead of doing resumés of her pieces in the other book. Also, the tone of the text—possibly it's the translation—strays occasionally into the vapid. ("Let us hope that one day we shall find some of Murnau's lost films. They may contain some surprises.") Still, though it's a somewhat patchy book, it's a needed one.

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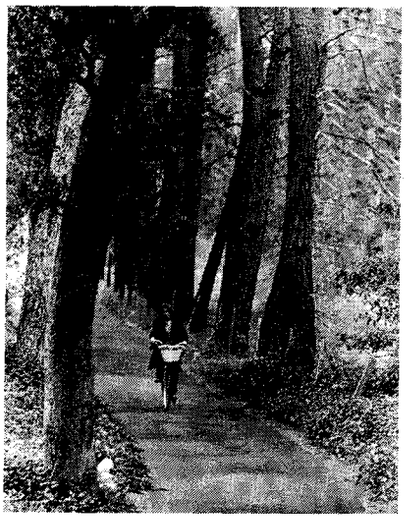
However, there *is* one big, sobering drawback: Bicycling in North America today simply isn't safe! An estimated 900 bicycle riders will be killed and more than 40,000 injured in bike-auto accidents this year alone in the United States. Most of these accidents could be avoided with adequate bikeways — separate pathways just for bicycles and safe routes in conjunction with roads.

But: *Where are the bikeways?* This country's 80 million cyclists have only 16,000 miles of bikeways, or about *13 inches for each bike rider*! Compare that with the 3 million miles of paved roads available to 90 million motorists. And most of the existing bikeways are far from ideal. Instead of protective curbing to separate bikes from autos, you usually find just white lines or signs along the road's edge, which do little more than lull both cyclists and motorists into a false sense of security.

Who is holding things up?

Why aren't our millions of bicycle-riding taxpayers provided with better, safer facilities? Because most government bodies continue to pump *our* money into still more roads, highways, and freeways. Their actions make us even more dependent on automobiles, which results in more smog, noise, and traffic congestion — not to mention depletion of the world's natural resources.

And what about the citizens who *must* rely on alternate transportation? Half of our nation's adults do without the automobile, by need or by choice. Yet no major bikeway, bus or rail transit funds have been made available, and proposals fall ridiculously short of the *real needs*. The problem is further compounded by the fact that attempts to solve our transportation dilemma with gas tax funds continue to meet vehement opposition from powerful road and highway lobbies.



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What could a bicycle community be like?

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Friends For Bikecology is trying to help

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We have two main objectives. First, to see that bicycle, bus, and rail transportation receive an equitable share of public funds. In 1972, *$22 billion* of our gasoline and *property taxes* were spent in the United States for roads and highways, while *less than one billion* went for public transportation. And practically nothing was provided for bikeways! We must convince policy makers to support a balanced transportation system, including bikeways. Motorists will also benefit because congestion on roads and highways would be relieved.

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